

CWP No.8674 of 2016

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.8674 of 2016

Date of decision: April 17, 2018

Priyanka Monga and another

...Petitioners

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Atul Lakhanpal, Senior Advocate, with
Mr. Arjun Lakhanpal, Advocate, for the petitioners.

Mr. Dheeraj Jain, Advocate,
for UOI-respondent no.1.

Mr. Ashish Kapoor, Advocate,
for respondent no.2.

Mr. Raman Sharma, Advocate,
for respondents no.3 and 4.

Ms. Supriya Garg, Advocate,
for respondent no.5.

Rakesh Kumar Jain, J.

The petitioners have prayed for the issuance of a writ in the nature of *certiorari* for quashing the letter dated 18.12.2015, whereby certain amendments have been allegedly brought in the selection criteria after the advertisement.

In brief, an advertisement was issued on 26.10.2013, jointly by all the oil companies, for the purpose of appointment of LPG distributors at various locations in the State of Punjab. Pursuant to the advertisement, the respondents had also issued a Brochure on Guidelines for Selection of Regular

LPG Distributors-August 2013, in which there was a provision that the person offering leased land for godown and showroom should have 15 years registered lease as on date of submission of application. However, according to the petitioner, vide impugned letter dated 18.12.2015, the dealership selection guidelines were changed with regard to (i) ownership of land, (2) approach road, (iii) funds in any bank, and (4) reckoning of 15 years of lease period. The petitioners have alleged that the selection criteria has been changed after the advertisement, in order to favour certain people, who had not fulfilled the criteria or their applications had been rejected for non-fulfillment of the criteria. In addition to the above, the petitioners have further alleged that the aforesaid change in the selection criteria was never made public by the respondents and they have held the draw of lots inspite of the stay order passed by this Court in CWP No.6968 of 2016.

In response, the respondents have averred in their reply that in the 2013 selection criteria, there was a provision that person offering leased land for godown and showroom should have 15 years registered lease as on the last date of submission of application, i.e. 15.11.2013. However, applications of various candidates were rejected who had taken the land on 15 years lease for the purpose of godown and showroom after the date of advertisement as the period of lease started from the date of execution of such lease deeds and such lease deeds became deficient by a few days as on the last date of submission of applications. All such candidates, whose applications were rejected due to this technical error, challenged the rejection of their candidature and the selections were brought to a halt as large number of candidates were rejected on that ground. Facing with large number of litigation in the form of writ petitions in

various High Courts, the Ministry of Petroleum and Natural Gas had initially issued letter dated 18.12.2015, which was subsequently superseded by letter dated 25.02.2016. It was provided in the said letter that the already issued selection criteria in March 2015 that the 15 years lease period shall be reckoned with effect from the date of advertisement and the candidates who were technically rejected were also made eligible. Apart from that, further relaxation was made with respect to availability of funds inasmuch as funds available in cooperative banks could also be considered while previously the funds available with the candidate only in nationalized banks were considered. It is submitted that the aforesaid relaxations/changes did not in any manner make the writ petitioners ineligible rather the scope of competition was enlarged thereby making certain more candidates eligible whose candidature was rejected on the technical grounds.

Counsel for the petitioners has argued that the selection criteria cannot be changed in between after the selection process had started and the draw of lots held in favour of respondent no.5, as per the changed criteria, is illegal.

On the other hand, counsel for the respondents have submitted that the selection criteria was amended/changed pursuant to the various decision of various High Courts and said decision dated 25.02.2016 was issued in line with the brochure for selection guidelines already issued in March, 2015.

After hearing learned counsel for the parties and examining the available record, I have found that the changes made in certain parameters of the selection process are in the nature of relaxation which have been made

pursuant to the orders passed by various High Courts in a number of cases as a large number of applications were rejected due to deficiency in their lease period by a few days because the date of determination of 15 years lease period was fixed as last date for submission of applications, whereas those candidates had got the lease registered after the date of issuance of advertisement and obviously before the last date for submission of applications. Majority of those candidates had challenged rejection of their candidature and a large number of petitions were filed throughout the country and in that background, the letter dated 25.02.2016 was issued relaxing condition of reckoning of 15 years lease period. Apart from above, the changes introduced by the respondents do not in any manner prejudice any candidate or make any candidate ineligible and rather makes some of the candidates eligible while widening the scope of selection.

Thus, in view of the above, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

April 17, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No