

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2007 of 2019**

Sunil Kumar Jayaswal, S/o. Shri Madanlal Jayaswal, Aged About 48 Years,
R/o.Village Bhelwa Tikra, Tehsil Kota, District Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

1. Union Of India, Through Secretary, Ministry Of Petroleum & Natural Gas A-Wing, Shstri Bhawan, Rajendra Prasad Road, New Delhi – 110001.
2. The Petroleum & Natural Gas Regulatory Board, Through Its Secretary, 1st Floor, Word Trade Centre, Babar Road, New Delhi. 110001.
3. The State Of Chhattisgarh, Through Its Secretary, Department Of Petroleum, Mantralay Atal Nagar – Naya Raipur, Chhattisgarh.
4. Bharat Petroleum, Through Its Chairman, Bharat Bhawan 4 & 6 Currimbhoy Road Balad Estate, Mumbai - 400001.
5. Head Of Territory Office, Bharat Petroleum Having Office At Shaheed Veer Narain Complex, 1st Floor, Opposite Collectorate, Near Nagar Ghadi Chowk, Raipur, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Shivang Dubey, Advocate
For State/Respondent No.3	:	Mr. Sudeep Verma, Dy. G.A.
For Respondent No.4 & 5	:	Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

22.07.2019

Heard

1. The present petition has been filed for the following reliefs :

“10.1. To call for the entire records pertaining to the petitioner's case for the kind perusal of the Hon'ble Court.

10.2. To quash the email dated 14.05.2019 issued by Respondent No.5.

10.3. To direct the Respondent authorities to consider the case of the petitioner on merits after giving him an opportunity with all the documents.

10.4. Any other relief(s)/ order(s)/ direction(s) in favour of petitioner, which may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

10.5. Cost of the petition.”

2. Learned counsel for the petitioner submits that pursuant to the publication dated 14.12.2018 to distribute the outlet dealership of petrol pump, the petitioner was selected on a draw on 02.02.2019. Subsequently, on 11.02.2019 he deposited Rs.30,000/- being a security deposit and the documents were also submitted. Subsequently, by a communication dated 02.03.2019, he received an email wherein he was asked to submit three documents they are : (1) 10th passing year in application is not matching with Appendix XA. Pls submit supporting documents/ affidavit. (2) Proof of Age not submitted. (3) Caste certificate as per Appendix VII A not submitted. However on 14.05.2019 a communication was received stating his candidature was rejected for consideration. It is submitted that such rejection of application was made on wrong facts and no opportunity was given to rectify the minor defect as was afforded to others. It is contended that the petitioner's brother visited the office on 22.03.2019 and deposit the necessary documents i.e. Aadhar Card which reflects the date of birth of the petitioner, 10+2 Higher Secondary School Certificate, a Certificate from the Principal that he also passed Class 10th in the year 1999 and the Caste Certificate dated 19.03.2019. He further submits that initially the temporary caste certificate was submitted.
3. Learned counsel for the respondent No.4 & 5 submits that since the documents were not according to the Appendix and format, as such, the case of the petitioner was not considered and the documents were not supplied within the time period. On the earlier date, to ascertain the authenticity of the statement as to whether anyone visited the office of respondents and placed the documents, the visiting register was called for, copy of which is produced before the Court, which is taken on record.
4. Perusal of the visiting register would show that one Kapil Kumar Jayaswal who is said to be brother of petitioner, which is not in dispute visited the

office of respondent on 22.03.2019 and submitted the documents as called for by letter dated 02.03.2019. Finally, the rejection communication was made on 14.05.2019 which shows that rejection was made on the ground that respondents have not received any response/ required document within the stipulated time. As against this, prima facie it appears that certain documents were submitted. The original file was also called for. The file shows the copy of Aadhar Card, Higher Secondary School Certificate and Certificate from the Principal are on record. The photocopy of aforesaid documents are taken on record. The documents which were submitted on 22.03.2019 appears to be the Certificate issued by the Principal, Government Boys Higher Secondary School, Belgahna showing that the petitioner has passed Class-10th in the year 1989, Caste Certificate dated 19.03.2019, Mark-sheet of Class 12th and Aadhar Card showing the date of birth of petitioner.

5. Learned counsel for the respondents No.4 & 5 further submits that if the petitioner in the meanwhile files an affidavit as per the format along with additional statement explaining the discrepancy in application and certificates and the reasons of the delay, if any, his candidature may be considered.
6. Taking into totality of the facts, it appears that by the letter dated 02.03.2019 three documents were called for. In the application the Class-10th passing year was shown to be 1991 whereas an affidavit sworn was shown the passing year was 1989. Though mistake was committed in application as would be evident from the certificate with respect to date, which was subsequently placed on record shows that the petitioner passed Class-10th in the year 1989; however, the said discrepancy cannot be said to be fatal and can always be explained. The copy of the Caste Certificate is also on record which is issued on 19.03.2019 and in respect of the age proof the Aadhar Card has been placed on record along with the additional Higher Secondary

School Certificate (10+2). The petitioner therefore is granted one opportunity to explain those facts by way of an additional affidavit explaining the facts for the inconsistency which appears in the application and the documents submitted. The order dated 14.05.2019 (Annexure P-1) cannot be given effect to for the reason that it do not reflect the true facts as the documents though were supplied, it reflects that the Company responded it with reply the Company has not received any response of required documents within stipulated time, which was factually wrong.

7. The petitioner shall be at liberty to file an affidavit explaining the discrepancies of the date in the application of date of passing Class-10th and certificate and also shall explain the reasons for delay in filing the affidavit in person within a period of 10 days. Subject to such compliance the petitioner's documents shall be subject to consideration. It is made clear that this Court has not made any opinion on merits of the case about entitlement of the petitioner a candidature and would be the sole discretion of respondents to allot to any candidate according to the merit as deems fit.
8. With such observation, the petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge