

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2036 of 2019

Girish Bari S/o Loknath Bari Aged About 22 Years R/o Ambedkar Ward No. 1, Harijan Mohalla Saraipali, District Mahasamund Chhattisgarh.

---- Petitioner

Versus

1. Hindustan Petroleum Corporation Limited Through Chairman Cum Managing Director, Hindustan Bhawan, 8-Surji Vallabhdas Marg, Ballard Estate, Mumbai (Maharastra)

2. Hindustan Petroleum Corporation Limited Through Chief Regional Manager, Retail And Duly Constituted Attorney, Bilaspur Retail, Office At Hindustan Petroleum Corporation Limited 1st Floor, Bajpais Pavilion, Opposite Gumber Petrol Pump, Vayapar Vihar Road, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For petitioner – Shri Parag Kotecha and Shri Yogesh Chandra, Advocates.

For respondents – Shri Ali Asgar, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

01/07/2019

Heard.

1. The instant petition is filed for the following reliefs:-

“(i) This Hon'ble Court may kindly be pleased to set-aside the impugned order dated 13/05/2019 (Annexure P-1) passed by respondent No.2.

(ii) This Hon'ble Court may kindly be pleased to direct the respondents not to cancel the appointment of petitioner for retailer outlet dealership of HPCL for location No.994.

(iii) This Hon'ble Court may kindly be pleased to direct the respondents to take further step in furtherance to the selection of the petitioner for retailer outlet dealership of HPCL for location No.994.

(iv) This Hon'ble Court may kindly be pleased to direct the respondents to consider the location No.994 under Bilaspur Region.

(v) Any appropriate writ, direction or order may also kindly be passed in favour of the petitioner, which this Hon'ble Court deems fit in the circumstances of the case.”

2. Learned counsel for the petitioner would submit that initially an advertisement was made by the HPCL for distribution of the retail outlet of petrol pump wherein at Sr. No.994 the area was ear-marked as (within 2 km of village Nawagarh, on Sarangarh-Saraipali Road) and the district was wrongly written as Raigarh. It is contended that pursuant to such advertisement made, the petitioner participated in the selection process and he was selected vide Annexure P-3 which was for the District Raigarh. He submits that location for which the advertisement was made falls within the territory of Mahasamund District and mention of Raigarh district in the advertisement was wrong on the part of the respondent. He submits that once the petitioner has been selected, his selection cannot be rejected because of the fault of the respondent itself. He further submits that on the earlier occasion too this court has directed to make a representation to the respondent on the ground that no adverse order was existing against him. It is further submitted that thereafter petitioner having made a representation, the entire process of selection of retail outlet petrol pump on the particular location has been annulled for the reason that the location which was advertised was wrong. It is further submitted that four more persons for the location had applied wherein after the selection process the petitioner was selected. Consequently, selection of the petitioner by the respondent has to be honoured.

3. Per contra, learned counsel for the respondents would submit that initially the area which was ear-marked i.e. within 2 km of village Nawagarh, on Sarangarh-Saraipali Road, the area comprised is within Mahasamund District. It is submitted that since the fault itself was in the advertisement as such the same cannot be materialized. He further submits that the selection process was only initial one and even the documents have not yet been verified and he further submits that eventually the permission has to be obtained from the District Collector since the area do not fall within the Mahasamund District, same cannot be acted upon. It is submitted that therefore the entire selection for particular location has been annulled so that other competitive persons of the locality may participate.

4. Perused the documents. The notice for appointment of regular/rural retail outlet dealership at serial no.994 the area for which the respondent made an advertisement was within 2 km of village Nawagarh, on Sarangarh-Saraipali Road admittedly which falls within the Mahasamund District. The advertisement so made shows that it is in Raigarh District. Apparently wrong advertisement of the location was made. If the area for which the advertisement was made i.e .within 2 km of village Nawagarh, on Sarangarh-Saraipali Road do not fall under Raigarh even after the petitioner was selected, the area cannot be created within Raigarh District. Document Annexure P-3 of 14/12/2018 also speaks that name of the District was Raigarh with the location as above. If the area do not fall within Raigarh District, then entire selection process would be void ab initio from the very inception for wrong advertisement. Consequently, the letter of the respondent whereby entire process of selection for ear-marked location of Sr.

No.994 when has been cancelled cannot be faulted. Considering the fact that the petitioner participated in the selection process and was short listed and was selected but subsequently it has been cancelled for the fault of the respondent, the concerned respondent is directed to return the entire amount of application fees along with amount of Rs.10,000/-.

5. With the above direction, petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE