

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 359 of 2019

(Arising out of order dated 01/07/2019 passed by the learned Single Bench in 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

---- Appellant

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 Appellant	:	Shri Yogesh Chandra, Advocate
For Respondents	:	Shri Ali Asgar, Standing Counsel

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

P. R. Ramachandra Menon, Chief Justice

14.08.2019

1. Challenge is against the correctness and sustainability of the judgment passed by the learned Single Judge, whereby the prayer to proceed with the selection and appointment of the Petitioner as a retailer outlet dealer of the HPCL for the location No.994, was not allowed, but for ordering to return the application fee along with cost of Rs.10,000/- in view of cancellation of the Notification by the HPCL referring to a mistake crept in the advertisement.
2. Heard the learned counsel representing the Appellant as well as the learned standing counsel for the Respondent-HPCL.

3. The sequence of events reveals that a Notification was issued by the Respondent-HPCL inviting application for selection and appointment as a dealer for location No.994. It is stated that the Petitioner/Appellant having all the requisite qualifications submitted application along with all the requisite documents. It is also pointed out that some other persons had also made applications for appointment as dealer and the matter was considered by the authorities concerned, when the Petitioner was identified as the most suitable hand for allotment of the petroleum outlet. It was all of a sudden, that things took a different turn and the petitioner was let known that further proceedings were dropped because of some mistake appeared in the advertisement issued by the Respondents.
4. The learned counsel for the Petitioner points out that the location was correctly mentioned, but the mistake is only with regard to mentioning of the actual district. In place of the name of the district 'Mahasamund', it was shown in the advertisement as 'Raigarh'. It was in the said circumstance that, the advertisement was cancelled, which course of action was sought to be challenged.
5. The learned counsel for the Respondents submits that the mistake would have adversely affected other eligible persons also might have been desirous of participating in the process of selection had it been correctly stated in the advertisement. Since the mistake required to be corrected, it was very much essential for the Respondents to have it corrected accordingly and hence there is no basis for the challenge against the verdict passed by the learned Single Judge. The learned

counsel also points out that the corrected Notification will be issued at appropriate time, if so decided, adding that no such event, it will be open for the Appellant to participate, if he is qualified in all the respects.

6. In the above facts and circumstances, we do not find any tenable ground to call for interference. The writ appeal fails and is dismissed accordingly.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge