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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.251 OF 2019

Rupali w/o Sagar Dandge
Age: 28 years, Occ: Housewife,
R/o. Near Laxmi-Narayan Mandir,
Durga Chowk, At Post Jalgaon
(Jamod), Dist. Buldhana. ..PETITIONER

VERSUS

1. Indian Oil Corporation Limited,
Indian Oil Bhavan, G-9, Ali
Yavar Jung Marg, Bandra (East)
Mumbai-400 051.
2. Indian Oil Corporation Limited,
Aurangabad Divisional Office,
Plot No.99, Indian Oil Bhavan,
Jyoti Nagar, Aurangabad
Through Dy. General Manager. ..RESPONDENTS

Mr Nikhil S. Tekale, Advocate for petitioner;
Mr A.P. Bhandari, Advocate for respondents

**CORAM : PRASANNA B. VARALE
AND
S.M.GAVHANE, JJ.**

DATE : 30th JANUARY, 2019

ORAL ORDER :

Heard learned Counsel appearing for the
petitioner.

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2. The petitioner, by way of present petition, makes substantiative prayer in terms of prayer clause (A).

3. On 8th January, 2019, this Court issued notice of final disposal.

4. The facts, in brief, can be summarised as follows :

A notice was published inviting the applications for appointment of regular/rural outlet (petrol pump) dealerships. Locations were specified in the notice. Copy of the same is placed on record at Exhibit-B. It was stated in the notice that locations mentioned from Serial Nos. 121 to 165 and 1819 to 2434, the interested applicants to contact Deputy General Manager (RS), Indian Oil Corporation Limited, Aurangabad Divisional Office, Plot No.99, Indian Oil Bhavan, Jyoti Nagar, Aurangabad - 431004. The petitioner was interested

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to submit the application for retail outlet dealership at the location situated in Jalgaon area, more particularly from Jalgaon-Sangrampur T. Point towards Sangrampur on SH 195, WML, location number of this spot is 1852. As such, the petitioner submitted an application in the format.

5. Company's Manual for selection of dealers for regular and rural retail outlets is placed on record at Exhibit-C. Clause-6 of the Manual deals with the eligibility criteria for individual applicants. Sub-clause (i) to (iv) are not very relevant for our purposes, as they deal with the residential status, educational qualification etc. Sub-clause (v) is in respect of land. The applicants would be classified into three groups based on the land offered or land not offered by them in the application form.

Group No.1: Applicants having suitable piece of land in the advertised location/area either by way of ownership/long term lease for a period of

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minimum 19 years 11 months or as advertised by the OMC.

Group No.2: Applicants having Firm Offer for a suitable piece of land for purchase or long term lease for a period of minimum 19 years 11 months or as advertised by the OMC.

Group No.3: Applicants who have not offered land in the application.

Sub-clause (e) is also relevant for our purposes and it reads thus :

(e) The land owned by the family member(s) will also be considered as belonging to the applicant (Group-1) subject to producing the consent letter in the form of affidavit (Appendix III A) from the concerned family member(s).

For this purpose family members would comprise of :

- (i) Self
- (ii) Spouse
- (iii) Father/mother including Step
Father/Step Mother

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- (iv) Brother/Sister/Step Brother/Step Sister
- (v) Son/Daughter/Step Daughter
- (vi) Son in law/Daughter in law
- (vii) Parents in law
- (viii) Grand Parents (both maternal and paternal)

6. The petitioner while submitting the application form, filled in Column No.9 i.e. Group of the applicant on the basis of Advocate's letter with applicant on and being offered - Group No.2. Column No.13 is also filled in by the applicant.

7. It is submitted by learned Counsel for the petitioner that as per classification, Group No.1 refers to the applicants having suitable piece of land in the advertised location/area either by way of ownership/long term lease for a period of minimum 19 years 11 months or as advertised by the OMC. Learned Counsel for the petitioner submitted that land referred in the application is in the name of husband of the petitioner, as such, this land can be treated as a land in Group No.1.

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Learned Counsel further submitted that it was an error of the petitioner to state Group No.2 in response to clause-9.

8. Learned Counsel appearing for the petitioner, by inviting our attention to the copy of the affidavit placed on record, submitted that the husband of the petitioner also submitted himself to the term as per affidavit that if the petitioner is selected for RO dealership, he will either transfer piece of land to Oil Company or to the petitioner for the said retail outlet facilities.....Learned Counsel then submitted that the petitioner immediately approached the respondent-Oil Corporation namely Deputy General Manager by submitting the application on 4th January, 2019. As the application was not decided, the petitioner approached this Court by way of present petition.

9. Though submission of learned Counsel appearing for the petitioner looks attractive at

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the first blush, the material placed on record clearly show that on line process is adopted by the Corporation for scrutiny of the applications. It is not in dispute that thousands of applications are received by the Corporation and the applicants are submitting applications which are filled in by themselves. The petitioner herself has placed on record the manually filled in application responding clause-9 responding clause-9 as Group No.2 land and again it is re-iterated in clause-13 of the application form.

10. In response to the notice, affidavit in reply is filed by the Corporation through Raju Pralhad Gatne, Senior Manager (Retail Sales), Indian Oil Corporation Ltd., Aurangabad Divisional Office, Aurangabad. It is specifically stated in paragraph-5 of the reply that to maintain transparency in the selection process, the process is made computerized and by following said process, the applications are considered initially as per the claim made on oath in the application form

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submitted by the candidates and on selection the documents are verified.

11. Then it is stated in paragraph-6 of the affidavit that the application itself makes it clear that the applicant has made statement regarding her land based on report/letter given by the Advocate of the applicant. Para. N.15(a) of the application makes it clear that the applicant is given clear understanding that her entitlement of being considered for allotment of dealership is dependent on the information given in the application. As a matter of fact that, in the application the applicant has given information that the land offered by her, is of Group - 2 and therefore the same will have to be considered from Group-2 only. Then it is stated in paragraph-8 of the affidavit that the petitioner committed a mistake in filing the application. The on line process does not permit the answering respondent to alter any statement made in the application, nor it permits the applicant herself to change the

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contents of application, more particularly when the last date for submission of application has already expired.

12. In view of these facts, we are unable to persuade ourselves to show any indulgence in the petition. Thus petition being meritless, deserves to be dismissed and accordingly is dismissed.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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