

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9671 OF 2019

MEENAKSHI GOKUL GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Dhananjya Mane h/f.
Mr. Bharat Pankaj A.

AGP for Respondent No. 1 : Mr. V. M. Kagne

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, J.

DATE: 05th AUGUST, 2019

PER COURT:

1. The candidature of the petitioner is rejected for allotment of retail outlet dealership on the ground that the Permanent Account Number (PAN) mentioned in the application and the PAN of the PAN card attached by the petitioner is different.

2. The learned counsel for the petitioner submits that, in the application, the petitioner had given the PAN of her husband and the petitioner had offered the land of her husband. The petitioner was not possessing the PAN at the

relevant time and without PAN the online application was not accepted. Subsequently, the petitioner received her own PAN card, and the said PAN card was submitted to the respondent. The defect is a rectifiable defect. The impugned order is erroneously passed.

3. The learned A.G.P. accepts notice for respondent no. 1.

4. It is not disputed that at the time when the petitioner filled in the online form pursuant to the advertisement the petitioner was not possessing the PAN card. The application required the candidate to give the details of the PAN. The petitioner tried to submit the form without the PAN. The form was not accepted. The petitioner, thereafter, knowingly gave a wrong PAN that of her husband. In fact, on the date when the petitioner had filled in the form, the petitioner was not eligible to fill the form as the petitioner did not possess the PAN and that was one of the

requirement for submitting the application for retail outlet dealership. Without PAN the form itself was not accepted. The petitioner has misrepresented about the PAN. The petitioner received the PAN much after the application was submitted for retail outlet dealership.

5. We would have considered the case of the petitioner had it been the case of bonafide mistake. The petitioner consciously misrepresented and communicated wrong PAN, though, the petitioner did not possess the PAN at the time of filing the application.

6. In the light of above, writ petition is dismissed. No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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