

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

**WRIT PETITION NO.188 OF 2017**

Santosh s/o. Nandkishor Pawar,  
Age: 26 years, Occp.: Business,  
R/o. House No.8 Sara Vaibhav,  
Jathwada Road, Harsul  
Tq. & Dist. Aurangabad

**..... PETITIONER**

**VERSUS**

- 1) The Union of India,  
Through the Secretary General Administration  
Department, Mumbai.
- 2) Area Sales Manager,  
Hindustan Petroleum Corporation Limited,  
G-39, Town Center, CIDCO,  
Aurangabad.
- 3) Chief Regional Manager,  
Hindustan Petroleum Corporation Limited,  
Jamshedji Tata Road,  
Mumbai, 400020.
- 4) Premchand s./o. Lalchand Pachlore  
Age : 47 years, Occu.: Dentist,  
R/o.C/o. Swami Vivekanad Dental Hospital,  
Near Onkar Gas Agency, Bajarang Chouk,  
CIDCO, N-8, Ta. & Dist. Aurangabad

**... RESPONDENTS**

Ms. Maya R. Jamdhade, Advocate for the petitioner  
Mr. R.R. Totala, Advocate for respondent Nos.2 and 3  
Mr. J.G. Toshniwal, Advocate for respondent No.4.

**CORAM : SUNIL P. DESHMUKH &  
S.M.GAVHANE,JJ.  
DATED : 03.06.2019**

**ORAL JUDGMENT (PER :- SUNIL P. DESHMUKH, J.)**

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties finally by consent.

2. The petitioner is before this court seeking writ of certiorari or a direction to issue writ of similar nature in respect of order cum letter dated 11-05-2016 issued by respondent No.2 in favour of respondent No.4 awarding retail outlet dealership at village Ladsavangi in Aurangabad District and further seeking allotment of Retail Outlet Dealership to him at said place.

3. An advertisement for retail outlet dealership for said place had been issued on 26-10-2014. It was a retail outlet dealership for open category. Eligibility criteria for applicants had been referred to under clause No.4 of brochure for selection of dealers for regular and rural retail outlet setting out inter-alia, educational qualifications.

4. At page No. 13 of the petition, a copy of statement of marks of petitioner for *Diploma in Fire Engineering and Industrial Safety, Semesters I and II* has been annexed as educational qualification. Alongwith aforesaid, petitioner has also annexed a freedom fighter's certificate issued in the name of his grandfather.

5. Under impugned order-letter petitioner had been communicated reason for rejection of his application is that, claimed *Diploma in Fire*

*Engineering and Industrial Safety (One year course)* could not make him eligible for allotment of retail outlet dealership.

6. Learned counsel for the petitioner Ms. Jamdhade vehemently submits that it is undeniable position that petitioner is descendant of a freedom fighter and having regard to provision for reservation for freedom fighter in the brochure and the educational qualifications possessed by the petitioner, his claim to allotment of retail outlet dealership ought to have been properly positively considered. The claim has been cursorily rejected. The only reason why the applicant has been held not eligible is he has completed *Diploma in Fire Engineering and Industrial Safety* which is a one year course. The order-letter is ambiguous and non speaking. She submits that while petitioner is the ward of freedom fighter and also possesses requisite educational qualifications, referred to in the brochure, the petitioner stands on better footing than respondent No.4 and, thus, prays to allow the petition.

7. Learned counsel for respondents, the corporation and respondent No.4, however, contend that retail outlet dealership had been meant for open category as can be easily seen from documents annexed to writ petition. Dealership had not been reserved for allocation to freedom fighter. As such, claim based on reservation is unacceptable and the matter is unnecessarily sought to be obfuscated.

8. In addition to aforesaid, Mr. Rahul Totala on behalf of the corporation submits that 'Diploma in Engineering' the qualification prescribed

under the brochure would not be said to be satisfied by petitioner. With a view to support said submission, the learned counsel refers to a communication dated 16-03-2017 to Maharashtra State Board of Technical Education by the corporation seeking information as to whether one year diploma course offered by Parmanand Fire Safety and Management College, Aurangabad is equivalent to three year diploma in engineering course conducted by Polytechnic under State Board. The State Board on 25-05-2017 had given response that neither Parmanand Fire Safety and Management College, Aurangabad is affiliated to the State Board nor said course conducted by said institution is equivalent to their syllabus.

9. Having regard to aforesaid scenario, the petitioner would not be said to be able to shore his claim up under the writ petition with reference to educational qualifications required under the brochure or that the retail outlet dealership at Ladsavangi been reserved for a category. The petition, as such, is unsustainable and is dismissed.

10. Rule is discharged. The petition is disposed of.

**[S.M.GAVHANE,J.]**

**[SUNIL P. DESHMUKH,J.]**