

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13977 OF 2018

Suresh S/o Rangnath Arke,
Age : 56 Years, Occ. Pensioner,
R/o. House No. 927, Hanuman Nagar,
Sillod Tq. Sillod, Dist. Aurangabad

..PETITIONER

VERSUS

1. The Union of India
Ministry of Petroleum and
Natural Gas, Government of
India, New Delhi
2. Indian Oil Corporation Ltd.
(A Public Limited Company)
Indian Oil Bhavan,
G-9, Ali Yavar Jung Marg,
Bandra (E), Mumbai,
Through its Executive Director
(LPG)
3. Indian Oil Corporation Ltd,
Aurangabad Area Office,
Abish Tower, 1st Floor, Behind
Baba Petrol Pump, Mahavir
Chowk, Aurangabad- 41 001.
4. Vishnu S/o Daulat Katole,
Age : Major, Occ. Pensioner,
R/o. Paradh (Bk). Tq. Bhokardan,
Dist. Jalna

..RESPONDENTS

CORAM :T.V. NALWADE AND
SUNIL K. KOTWAL ,JJ.
ORDER : 20.02.2019

ORDER(PER T.V. NALWADE, J] :-

The petition is filed for challenging condition No.4 in the advertisement dated 31.08.2017 issued by the respondent Oil Company

on the ground that it is illegal, arbitrary and contrary to the provisions of clauses of unified guidelines for selection of the L.P.G distributorship.

2. Both the sides are heard.

3. The petitioner had applied for L.P.G distributorship on the basis of advertisement dated 01.09.2017. The condition-clause of the advertisement which is under challenge is as under " after filing application on-line unless there is necessity, no original document or print out of that document needs to be filed in the office". After filing the application the candidate was to be selected on lottery basis and after such selection the candidate was expected to produce the original certificate issued by The Directorate General, Resettlement and that was to be produced at the time of field verification. The applicant had filed the application under the category of Ex-service man. It is the contention of the petitioner that he was having the certificate of eligibility issued by the Directorate General of Resettlement, New Delhi but respondent no.4 was not having such certificate and so respondent No.4 could not have been selected for the said distributorship. Copy of the certificate issued in favour of the petitioner is produced and similarly copy of the certificate issued in favour of the respondent is produced. It is not disputed that on the date of advertisement, respondent No.4 was not having such certificate.

4. The learned counsel for the Company took this Court through the

broucher prepared for the process in June 2017. As the advertisement was dated 01.09.2017, this broucher can be used to ascertain as to whether there is substance in the contentions made that on the date of the application, it was necessary to have certificate of D.G.R. For category (open) (G.P), the present category, it was provided that if applicant was applying under defence personnel, he was to produce copy of such certificate within 90 days. It is already observed that certificate was to be produced after selection on the lottery basis as per the advertisement. Thus apparently, there is no inconsistency in the requirement mentioned in the advertisement and the requirement given in the broucher. Due to this circumstance, this Court holds that there are no merits in the proceeding. Further it also needs to be kept in mind that the certificate can be issued only for one location and it can be said that after publication of the advertisement, the Ex-service man needs to take steps to take certificate for that location.

5. In the result, the petition stands dismissed.

[SUNIL K. KOTWAL]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/