



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.22136 of 2017

and

W.M.P(MD) .Nos.18446 and 18447 of 2017

Palanisamy

... Petitioner

Vs

1.The Hindustan Petroleum Corporation,
LPG Distributorship(LPG Vitarak Chayan)
through its
Regional Manager,
Madurai Region, Madurai.

2.Kumuthavalli Marimuthu

3.M.Sangili Raja

... Respondents

(R3 is impleade as per order dated 22.02.2019 in W.M.P(MD) .No.13094 of 2018 in W.P(MD) .No.22136 of 2017)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned selection list of successful candidates dated 24.11.2017 more particularly Serial No.75 for LPG Distributorship (LPG Vitarak Chayan), Gramin Vitrak Scheme, Scheduled Caste Category for Pushpathur Panchayat, Dindigul District (downloaded copy from www.ipgvitarakchayan.in) and quash the same as illegal and further direct the first respondent to redo the process of drawing of lots in respect of LPG Distributorship (LPG Vitarak Chayan), Gramin Vitrak Scheme, Scheduled Caste Category for Pushpathur Panchayat, Dindigul District, within a time stipulated by this Court.

For Petitioner	: Mr.V.Meenakshisundaram
For R1	: Mr.M.Sridar
For R2	: Mr.S.Anand Chandrasekar Sarvabhaman Associates
For R3	: Mr.G.Mohankumar

ORDER

Heard the learned on either side.

2.The Hindustan Petroleum Corporation issued an advertisement calling for applications from eligible persons for being appointed as LPG Distributor. This writ petition pertains to appointment of



LPG Distributor under Gramin Vitrak Scheme, Scheduled Caste category for Pushpathur Panchayat in Dindigul District. The writ petitioner, second respondent and the impleaded third respondent were among the applicants. There was a draw of lots on 24.11.2017. Totally 18 applications were short listed in the said draw and among the 18 applicants, the second respondent was selected. This selection of the second respondent in the draw is assailed in this writ petition.

3. The learned counsel appearing for the writ petitioner as well as the learned counsel appearing for the impleaded third respondent contend that the process of drawing of lots is vitiated, because there was no proper paper publication and there was no due intimation about the date to them.

4. The stand of the writ petitioner and the impleaded respondent is controverted by the Corporation, which has filed counter affidavit to the effect that due intimation was sent by E-mail as well as SMS to all the applicants, which included the writ petitioner and the impleaded respondent. That apart, there was also paper publication made in Trichy and Madurai Edition of "Daily Thanthi" and "Hindu". Photocopies of the paper publication have been produced before me. The stand of the writ petitioner is that the original notification was published in the State edition, whereas the publication regarding draw of lots was published only in the local edition of "Daily Thanthi" and "Hindu".

5. I am not persuaded by the aforesaid submission of the learned counsel appearing for the writ petitioner and the impleaded respondent. The subject matter of the writ petition pertains to Pushpathur Panchayat in Dindigul District. The Madurai Edition of "Hindu" as well as the Trichy Edition of "Daily Thandi" covers Dindigul District also. The Corporation has categorically asserted in his counter affidavit that other communication was sent to the applicants by E-mail as well as the SMS. I see no reason to disbelieve the said statement. The writ petitioner has not filed any rejoinder controverting the said stand taken by the Corporation. Be that as it may, the entire process takes place in the online mode. In Clause 16 of the Brochure the procedure for draw of lots has been set out, it reads as under:-

"a. Information will be sent to the eligible candidates through email/SMS to report for draw of lots for selection of LPG Distributor at a specified venue, date and time.

b. The notice with regard to the draw would be published before the date of draw in the same newspapers in which the advertisement for appointment of LPG Distributor was initially published.

c. Attendance of all the applicants who have reported for draw, shall be recorded, after verifying their identity through a POI (Proof of Identity- any one of the



documents Passport, Driving License, Voters' Identity Card, PAN Card, Aadhaar Card issued by UIDAI or NREGA Job Card). Applicants should sign the attendance sheet. Draw of lots will be conducted in the presence of only available eligible candidates. However, there is no minimum quorum specified for conducting the draw of lots.

d. Two officials of the concerned OMC will conduct the draw in the presence of the available candidates and the invited guest.

e. The invited guest will be requested to initiate the process of draw of lots for a particular location.

f. List of eligible applicants of the location selected for the draw, from whom the draw of lots shall be conducted will be displayed on the screen along with the serial number and the name of applicant.

g. Successful candidate will be selected from amongst the eligible candidates on random basis.

h. The application serial number and name of the successful candidate would be declared for the LPG distributorship for the location.

i. The entire proceedings of the draw will be video graphed and the following information will be captures:

i. List of eligible candidates with application numbers

ii. The details of the successful candidate displayed on the screen and captured by the video camera with the serial number and the name of the applicant.

j. The result of the draw will be displayed on the notice board immediately after the draw of lots at the venue. It would also be hosted on the website of the respective company and on web portal ww.ipgvitarakchayan.in within 3 days from the date of draw. "

6. It has been affirmed before me that the entire proceedings were duly videographed and the procedure so set out was scrupulously followed. The learned counsel appearing for the corporation states that the representative from the National Informatic Centre came to Dindigul and the process of selection was done under his supervision. No malafide has been attributed.

7. Therefore, I am of the view that no case has been made out for interference. There is no merit in the writ petition. The Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

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1.The Regional Manager,
Hindustan Petroleum Corporation,
LPG Distributorship (LPG Vitarak Chayan)
Madurai Region, Madurai.

+1CC TO MR.SARVABHAUMAN ASSO., Advocate Sr. No.59094
+1CC TO MR.M.SRIDHER, Advocate Sr. No.59106
+1CC TO MR.D.NALLATHAMBI, Advocate Sr. No.59176

W.P.(MD) No.22136 of 2017
04.04.2019

NS (CO)
TR (25.06.2019) 4P 5C