

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.462 of 2020

Laxmi Bai Som W/o Shri Purusshottam Som Aged About 45 Years R/o Ward No.28, Baniyapara, Dhamtari, Tahsil and District Dhamtari, Chhattisgarh.

---Petitioner(s)

Versus

1. Bharat Petroleum Corporation Limited 12/E & F, Maker Towers Cuffe Parade, Post Box No. 19949, Mummbai-400005.
2. The Regional Manager, Bharat Petroleum Corporation Limited, Head of Territory Office, T M Retail, Shaheed Veer Narain Complex, 1st Floor, Opposite Collectorate, Near Nagar Gandhi Chowk, Raipur, Chhattisgarh, 492001.
3. Sevakram Netam S/o Sukhram Netam R/o Village Mainpur, Post Leelagaon, Tahsil Vishrampuri, District Kondagaon, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Sanjeev Kumar Sahu and Shri Shatruhan Singh Sahu, Advocates.
For Respondents1&2		Shri Sourabh Sharma, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.02.2020

1. Challenge in the present writ petition is to the order dated 24.11.2019 (Annexure P/1) whereby the petitioner has been declared ineligible for being a candidate for allotment of RO dealership by the respondent No.1.
2. The contention of the petitioner is that, the reason assigned while declaring the petitioner to be ineligible is bad in law to the extent that the petitioner along with her application had already submitted a category certificate on 100 rupees non judicial stamp paper duly signed and attested by the Sub Divisional Magistrate dated 01.01.2019. Subsequently she has also obtained a permanent caste certificate from the competent authority on 08.11.2019 and therefore the rejection of the candidature of the petitioner is bad in law.
3. The counsel for the respondent No.1-Corporation however produced the guidelines for the purpose of selection of dealership and for selecting the

eligible candidates for participation. One such clause in the guideline is clause-vi, which for ready reference is being reproduced herein:

“vi. Applicants should provide only that information against various items of application for which they are in possession of supporting documents in original as on the date of Application. Failure to present these documents in original at the time of verification will result in cancellation of selection.”

4. A plain reading of the aforesaid clause would clearly reflect that on the date of application itself, the petitioner should have had all the certificates issued in her favour which were otherwise required.
5. The undisputed fact is that the petitioner has submitted her online application on 04.01.2019. On 04.01.2019, the petitioner admittedly did not have a caste certificate issued in her favour from the competent authority. The competent authority had finally issued a permanent caste certificate in favour of the petitioner only as late as on 08.11.2019. Given the fact that permanent caste certificate has been issued only on 08.11.2019, which is a part of Annexure P/5 with the writ petition, would show that on the date of application the petitioner did not have a proper caste certificate with her. In view of the above, if the respondent No.1 have declared the petitioner to be ineligible, the same cannot be said to be in contravention to the guidelines framed for selection of the RO dealership. Rather, the same being in accordance with guidelines framed, the action seems to be proper, legal and justified.
6. The writ petition therefore being devoid of merit deserves to be and is hereby rejected.

Sd/-
(P. Sam Koshy)
Judge