

Civil Writ Petition No. 35635 of 2019 (O&M)

Date of decision : January 24, 2020

Gulshan Rai and another

.....Petitioners

Versus

The Director, Indian Oil Corporation Limited and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Gourav Jain, Advocate
for the petitioner.Mr. Ashish Kapoor, Advocate
for the respondents.

LISA GILL, J.

The only ground raised in this writ petition is that the candidature of the petitioners, for allotment of retail outlet dealership has been wrongly rejected on the ground of petitioner No. 2 being over 60 years of age. It is submitted that the petitioners had applied for allotment of the retail outlet, being a partnership firm. Therefore, the requirement of age of the partners being under 60 is not applicable in their case.

Learned counsel for the respondents to whom an advance copy of the writ petition had been supplied, however, points out to Clause 4(vii) of the Brochure. The relevant part thereof reads as under :-

“(vii) Specific Requirement of applicants applying under Partnership:

In case of partnership, each partner should individually meet the eligibility criteria for applying as an individual. However, the land owned by partner(s) will be treated as owned by the proposed firm as a whole for the purpose of eligibility.

Each partner should submit separate application form along with separate non-refundable application fee. However, the

applications should be clubbed together (on-line). They also would be required to submit a copy of the proposed partnership deed.”

Learned counsel for the petitioners is unable to deny that there is a specific clause of the candidate not being less than 21 years and not above 60 years of age except for freedom fighters under CC2 category.

I find no merit in the argument raised by learned counsel for the petitioners that once the respondents permitted the petitioners to participate in the draw of lots and they were selected, the petitioners acquire a vested right for allotment of the retail outlet in question, dehors the specific provisions in the brochure. The said argument is clearly misconceived as there is a categorical provision in this regard in the brochure and the allotment is clearly subject to the candidates fulfilling the eligibility criterion.

I do not find any merit in this writ petition. The same is, accordingly, dismissed.

January 24, 2020

rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No