

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9049 OF 2019

Shriram Sajanrao Gaikwad

PETITIONER

VERSUS

Bharat Petroleum Corporation Ltd.
and others

RESPONDENTS

WITH

CIVIL APPLICATION NO.5362 OF 2020

IN

WRIT PETITION NO.9049 OF 2019

Sagar Vijaysi Bhatia

APPLICANT

VERSUS

Bharat Petroleum Corporation Ltd.
and others

RESPONDENTS

Mr. Sachin S. Deshmukh, Advocate for the petitioner

Mr. A.P. Bhandari, Advocate for the respondents

Mr. Hemant Surve, Advocate for the applicant

**CORAM : DIPANKAR DATTA, CJ &
 MANGESH S. PATIL, J.**

DATE : 29.09.2021

P.C. :

1. Bharat Petroleum Corporation Ltd. (hereafter “the Corporation”, for short) issued an advertisement, inviting applications for a retail outlet at the location “2 km onwards from Vaijapur Bus Stand towards Yeola within Vaijapur Taluka on NH 752 H”. The petitioner duly applied in pursuance of such advertisement. In the column specified for disclosure of his email ID, the petitioner had printed “gaikwadb22@gmail.com”.

2. It is the case of the petitioner that the Corporation, in terms of the

terms of the advertisement and the brochure containing guidelines for retail outlet dealers, was required to provide information to him on such email ID. Also, if there were curable deficiencies in his application, the Corporation was required to inform him by mail for having those deficiencies cured. However, the petitioner did not receive any such mail on his email ID "gaikwadb22@gmail.com" that his application suffered from certain deficiencies, which were required to be cured. The petitioner's application did suffer from two deficiencies but obviously because he had no information of being under an obligation to so cure, he did not cure the deficiencies with the result that the Corporation proceeded to reject his candidature. Such rejection has been made the subject matter of challenge in this writ petition, basically on the ground of the Corporation's failure to act in terms of the advertisement as well as the brochure providing guidelines for appointment of retail outlet dealers.

3. In its reply-affidavit, the Corporation has taken the stand that information to the petitioner requiring him to cure the deficiencies could not be furnished on his email ID "gaikwadb22@gmail.com". However, the officials of the Corporation duly established contact with the petitioner whereupon the petitioner, by a whatsapp message, had informed one of such officials that the information may be provided to him on another email ID being "shriramgaikwad32@gmail.com". It is the consistent case of the Corporation that the information calling upon the petitioner to cure the deficiencies was duly provided on the newly provided email ID, but

since there was no response from the side of the petitioner, the Corporation had no other option but to reject his candidature.

4. Yesterday, in course of hearing of the writ petition, we had called upon Mr. Deshmukh, learned advocate for the petitioner to obtain instructions from the petitioner as to whether page no.73 of the writ petition, being the transcript of the whatsapp messages, alleged to have been exchanged by and between the petitioner and the Corporation official, is a genuine or disputed document.

5. Today, Mr. Deshmukh submits very fairly that the instructions provided by the petitioner to him would suggest that page no.73 is a genuine document.

6. Since the petitioner himself had provided a new email ID, i.e., "shriramgaikwad32@gmail.com", and information requiring curing of the deficiencies was provided to him thereon, we hold that the Corporation officials did not commit any irregularity, far less any illegality, in providing information to the petitioner on such email ID calling upon him to cure the deficiencies. No *mala fides* can be attributed to the Corporation officials for such an action because, as has been the stand in the reply-affidavit, the petitioner could not be reached on his email ID, originally disclosed, for which the other option was explored.

7. In such view of the matter, we find no reason to interfere with the

order of rejection of the petitioner's candidature and the same is upheld.

The writ petition is dismissed. No costs.

8. In view of dismissal of the writ petition, Civil Application No.5362/2020 for intervention does not survive and the same stands disposed of.

[MANGESH S. PATIL, J.]

[CHIEF JUSTICE]