

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33884 of 2013

and

M.P.Nos.1 & 2 of 2013

G.Sathes Kumar

... Petitioner

Vs.

Bharath Petroleum Corporation Limited,
Rep.by its General Manager,
BPC LPG Distributor Selection Cell,
No.1, Ranganathan Garden,
Opp:11th Main Road,
Anna Nagar West,
Chennai - 600 040

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the impugned notice for the appointment of LPG Distributor dated 30.11.2013 issued by the respondent in so far as Sl. No.14 of Schedule B - Nangavalli/Vanavasi is concerned and quash the same, consequently direct the respondent herein to notify the same for the Schedule Tribe (S.T.) category enabling the petitioner to apply the said area distributorship as per the earlier notification dated 28.12.2011.

For Petitioner : Mr. K.Balu

For Respondent : Mr. Karthikeyan

O R D E R

The notification for appointment of LPG Distributor, which is under challenge in this writ petition, was issued on 30.11.2013.

2. Learned counsel appearing on behalf of the respondent-Oil Corporation, on instructions, made a submission that the petitioner has not even submitted an application, pursuant to the notification dated 30.11.2013 issued by the respondent. The other three persons had submitted their respective applications and on scrutiny, one person belongs to Scheduled Tribe category was selected for LPG Distributorship. However, the eligible candidate not opted to run the distributorship, on account of financial constraints. Thus, the respondent-Oil Corporation has exhausted the other option.

3. However, the fact remains that the impugned notification was issued in the year 2013 and 7 1/2 years lapsed now. Therefore, the cause arose during the relevant point of time for the purpose of filing the writ petition did not exist as of now.

4. However, it is made clear that as per the policy, adequate opportunity is to be given based on the communal rotation and by following the scheme in this regard, more specifically Scheduled Tribes and Scheduled Castes people.

5. Thus, the respondent is directed to follow the Rules and any policy as of now, which is prevailing, in this regard, scrupulously enabling candidates belong to Scheduled Tribes and Scheduled Castes to get opportunity to get licence.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-
Assistant Registrar (CS-LA)

// True Copy //

Sub Assistant Registrar

Maya

To

The General Manager,
Bharath Petroleum Corporation Limited,
BPC LPG Distributor Selection Cell,
No.1, Ranganathan Garden,
Opp:11th Main Road,
Anna Nagar West,
Chennai - 600 040

+1CC to Mr.O.S.Karthikeyan, Advocate, SR.No. 52492

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RLD(CO)
B.VC (02/11/2021)