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W.P.No.3641 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.3641 of 2023

and

Writ Miscellaneous Petitions No.3723 & 3724 of 2023

P.Soundarya

... Petitioner

Versus

1. The General Manager Business Network Planning (Retail),
Bharat Petroleum Corporation Limited,
Regional Office, Ranganathan Garden,
1st Main Road, Post Box No.1212S1213
Anna Nagar, Chennai – 600 040.

2. The Territory Manager (Retail)
Coimbatore Territory Officer,
BPCL Irugur Top Installation,
Ravathur PO,
Irugur Via, Coimbatore – 641 103.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent made in Ref: 15453126843152 dated 31.1.2023 and quash the same as illegal, arbitrary and non-est in law and consequently, direct the respondents to award dealership to the petitioner by treating



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her application for Retail Outlet Dealership under Category-I within the time stipulated by this Court.

For Petitioner : Mrs.Dakshayani Reddy, Senior Counsel
For Mr.S.Mohameduduman

For Respondents : Mr.M.Vijayan
For M/s.King and Partidge

ORDER

The issue raised should not have come to Court at all. The petitioner had been meandering around the Courts of law over one issue alone. There had been several Writ Petitions filed earlier and another Writ Petition has now been presented before this Court.

2. The short facts are that the respondents/Bharat Petroleum Corporation Limited had invited applications for Retail Outlet Dealership on 25.11.2018. We are now in February 2023. The respondents have not yet finalized the successful bidder and the issue is still circulating around this Court. It only shows the refusal to take decisions by the officials of the respondents. When an official is put in a responsible post, he or she should undertake responsibility to take decisions.



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3. Applications had been called for Retail Outlet Dealership for a location within 15 kms from Uthiyur towards Dharapuram on SH 83-A. The eligible participants are only those belonging to Scheduled Caste.

4. There is no doubt, that the petitioner was eligible to participate.

5. I am informed by the learned Senior Counsel on behalf of the petitioner that the prospective bidders are grouped into three separate groups. The first group are those who have land in their own names or have registered lease in their own name. They are naturally categorized under Group-1 since there cannot be any dispute over the holding of the land. The second group are those who have a lease from another lessee and that particular lessee should give “No Objection Certificate”. The third group are those who do not have land, but who reasonably expect the Government to provide land to them.

6. The petitioner fell under Group-I. She owns land and also has land leased in her own name. Unfortunately, for her, while filing the



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application she had categorized herself as belonging to Group-II. The respondents proceeded and did not take care to verify the documents filed along with the application.

7. It is strangely stated that the computer alone verifies the documents. The computer would verify the particular groups in which the persons are categorized, but the documents relating to the holdings will have to be physically verified by the officials. That particular official who had so physically verified the document would have easily known that the lands which the petitioner had submitted, stand in her own name or that she was a lessee in her own name and that, as that fact is determinable, that particular official should have categorized the petitioner under Group-I. He or she cannot hide behind the categorization given by the petitioner herein.

8. It must be kept in mind that the retail outlet was for participation by those who belonged to Schedule Caste. Naturally, the respondents are under an obligation to extend an helping hand, even if there are some defects in the application. They must guide all those who



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submit their applications. That particular official should own responsibility for the petitioner still being categorized as Group-II.

9. Writ Petitions were filed again and again and finally, a learned Single Judge of this Court had observed as follows:

“7. If the said S.Rasan is found to be ineligible, the respondents are directed to consider the applications under Group II (eligible candidate under Group I) and pass appropriate orders.”

10. This observation was a direct consequence of the ineligibility of the two bidders who actually classified as Group-1. Both of them were found to be ineligible for various reasons. The petitioner who should have been categorized as Group-I must now be considered first and then, if her lands are found to be ineligible, the respondent should move on to those who are categorized under Group-II. This is what the learned Single Judge had actually meant in the aforementioned paragraph. An order of the Court is meant to be followed.



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11. The learned Single Judge had given the necessary direction as extracted above.

12. The respondents will have to now move on to Group-II and the first eligible candidate is the petitioner herein. She may be categorized as Group II, but still she has a right to be classified as Group -I since she is the owner of the land/lessee of the land in her own name.

13. Therefore a direction is given to the respondents that the respondents should examine the bid given by the petitioner in the first instance and if it is found to be ineligible, then move over to other applicants in Group-II.

14. During the course of dictating the order, there had been a few interruptions, but I would still retain my conclusion that the respondents are placed under an obligation to examine the papers submitted by the petitioner in the first instance and then move on to the other applicants in Group -II.



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15. The Writ Petition stands disposed of accordingly. No order as to costs. Consequently, the connected miscellaneous petitions stands closed.

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Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

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