



W.P.No.192 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.192 of 2018
and W.M.P.Nos.257 & 258 of 2018

C.Kumar

.. Petitioner

Vs.

1. Government of India,
Rep by its Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi-110 001.
2. The Bharat Petroleum Corporation Ltd (BPCL),
Rep by its Senior Area Manager/Territory Manager
(Marketing Division)
NH-209, Coimbatore-Sathyamangalam Bannari Highway,
Coimbatore-641 653,
Coimbatore District.
3. M.Arumugam .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue an order, Direction or Writ more particular Writ in the nature of Writ of Certiorarified Mandamus, calling for the records of the impugned notification through paper publication dated 20.08.2017 in so far as Serial



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No.13 and its consequential selection of the 3rd respondent through online draw of lots dated 29.11.2017 in so far as Serial No.5 of Kannamoochi, Kolathur Block, Salem District for the appointment of LPG distributorship under “Durgam Kshetriya Vitrak (DKV)” scheme and quash the same, consequently direct the 2nd respondent to conduct fresh draw of lots for the same.

For Petitioner : M/s.M.R.Jothimanian

For Respondents : Mr.P.G.Santhosh Kumar for R1

: Mr.M.Vijayan
for King & Patridge for R2

: M/s.V.Janarthanan for R3

ORDER

This Writ Petition has been filed assailing the impugned notification dated 20.08.2017 issued by the 2nd respondent and also the consequential notification dated 29.11.2027 relating to the selection of the 3rd respondent for draw of lots through online.

2. It is the case of the petitioner that he is the resident of the Kathiripatti Village, Mettur Taluk, Salem District. Pursuant to the



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notification issued by the 2nd respondent on 20.08.2017 inviting applications for distributorship of Indane Gas under Durgam Kshetriya Vitrak (DKV) in serial No.13, Kannamoochi, Kolathur Block, Salem District under OBC category, the petitioner applied for Distributorship of LPG. Though, the petitioner was fully eligible for allotment of distributorship in LPG, he was not allowed to participate in the selection process. While so, the 2nd respondent without following the guidelines prescribed in the notification for selection process, appointed the 3rd respondent as LPG distributor. Subsequently, the notification dated 29.11.2017 was issued by the 2nd respondent listing the selected applicants for draw of lots. Challenging the aforesaid notifications, the present Writ Petition has been filed.

3. Learned counsel for the petitioner submits that the main grievance of the petitioner is that the selection process was not conducted by the 2nd respondent as per the guidelines prescribed in the notification for draw of lots and there was no transparency in the selection process. Though the petitioner is fully eligible, he was not allowed to participate in the selection process, however, the 3rd respondent was given allotment of



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distributorship in LPG. Hence, the impugned notification of the 2nd respondent needs to be interfered with.

4. Per Contra, learned counsel appearing for the 1st respondent submits that the selection process was conducted only as per the unified guidelines issued in the notification among the eligible applicants in the concerned Gram Panchayat & Revenue Sub division of the advertised location. However, as per clause 15 of the brochure on the guidelines for selection of distributors, the petitioner is not an eligible applicant to participate in the selection process, as he is not residing within the advertised location. Further, without challenging the allotment order of the 3rd respondent for distributorship, challenging the entire notification is not sustainable. Hence, this Writ Petition is liable to be dismissed.

5.This Court heard the learned counsel appearing on either side and perused the materials available on record.



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6. Though the petitioner claims himself to be an eligible applicant, however, one of the mandatory clauses in the notification is that the applicant should be a resident of the locality in which the notification is advertised. However, in terms of clause 15 of the guidelines prescribed in the notification, the petitioner is not an eligible applicant to opt for the distributorship in LPG under as he is not residing within the location as to the eligibility. The said factum is not controverted by the petitioner. Further, insofar as the claim of the petitioner with regard to the allotment of distributorship to the 3rd respondent, the proper course open for the petitioner is to challenge the allotment order and without challenging the allotment order issued to the 3rd respondent, challenging the entire notification and the whole selection process is not sustainable. Hence, the prayer sought for in this Writ Petition cannot be acceded to and this Writ Petition deserves to be dismissed.



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7. For the reasons aforesaid, this Writ Petition is dismissed. There

shall be no order as to costs. Consequently, connected Miscellaneous
Petitions are closed.

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Index : Yes / No
Internet : Yes / No
NHS



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WEB COPY To

- 1.The Secretary,
Government of India,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi-110 001.
- 2.The Senior Area Manager/Territory Manager
The Bharat Petroleum Corporation Ltd (BPCL),
(Marketing Division)
NH-209, Coimbatore-Sathyamangalam Bannari Highway,
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M.DHANDAPANI, J.

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