



W.P. No.25012 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

**W.P. No.25012 of 2019
and WMP.No.24588 & 24590 of 2019**

P.Subpriya

.....Petitioner

VS.

1. The General Manager,
Hindustan Petroleum Corporation Ltd.,
South Zone Office,
Thalamuthu Natarajan Maligai,
4th Floor, Gandhi Irvin Maligai,
Egmore, Chennai-8.

2. The Deputy General Manager, LPG Region,
Hindustan Petroleum Corporation Ltd.,
Madurai Regional Office,
SIDCO Industrial Estate, Kappalur,
SIDCO Industrial Estate, Kappalur,
Madurai.

3. Uma Senthil kumar

4. K.Udhayakumar,
No.13/1, Arunthathiyar Street,
Goundanur, Padaiveedu Village,
Tiruchengode Taluk,
Namakkal-637 303.
(R4 Suo motu impleaded vide



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order dated 18.07.2022 in W.P.No.25012/2019
by this Court)

.. Respondents

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PRAYER :Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in Reference Letter MDLRO/LPG/online Draw-DKV, dated 20.11.2018 rejecting the petitioner's candidature of LPG Distributionship of HPC at Padaiveedu (TP) Namakkal District quash the same and direct the respondents 1 and 2 to award LPG Distributionship of HPC at Padaiveedu (TP) Namakkal District under SC category advertised on 20.08.2017 to the petitioner.

For Petitioner : Mr. T.L.Thirumalaisamy

For Respondents : Mr.M.Vijaya Mehanath RR1 & 2
R3 – No appearance
Mr.G.Muthukumar R4

ORDER

The petitioner has filed this petition seeking to quash the order of the second respondent, dated 20.11.2018 rejecting the petitioner's candidature of LPG Distributionship of HPC at Padaiveedu (TP) Namakkal District and direct the respondents 1 and 2 to award LPG Distributionship of HPC at Padaiveedu (TP) Namakkal District under SC category advertised on 20.08.2017 to the petitioner.



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2. The case of the petitioner is that he made application for appointment of LPG distributor of HPC at Padaivedu (TP) location, DKV (Durak Kshetriya Vitrak) type under SC category on 25.09.2017 along with all the necessary documents as mentioned in the advertisement. After scrutinising the application, the petitioner was declared to participate in online draw for selection which was scheduled to be held on 30.11.2017. On that day, the petitioner was declared and selected for LPG Distributor of HPC at Padaiveedu location. After declaration, the second respondent called upon to clarify that the petitioner is resident of Padaiveedu. Thereby, the petitioner submitted relevant documents to the second respondent. The second respondent also assured that the process for award of distributionship will take some time. However, the third respondent herein aggrieved of selecting the petitioner as distributor at Padaiveedu location, the third respondent had approached before this Court in W.P.no.2350 of 2018. This Court also granted status quo vide order dated 05.02.2018. Pursuant to which, the petitioner received a communication dated 20.11.2018 from the second respondent rejecting the petitioners application



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on the ground that during verification it was found that the petitioner is not residing in the Padaiveedu location. Challenging the said impugned communication, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that though the petitioner made application, in which, she has specifically mentioned that she is permanent resident of Padaiveedu. At the instance of the third respondent, on the earlier occasion, this Court directed the second respondent to conduct inspection about the permanent residence of the candidates. After conducting inspection, the second respondent rejected the petitioners representation on the ground that she is residing at Akkampatti not in Padaiveedu, which is not sustainable one. Hence, the learned counsel prays to allow the writ petition.

4. The learned counsel for the respondents 1 & 2 submitted that there were 9 applicant in priority list including the petitioner. After scrutinizing all the applications, as per Clause 15(c) of Selection guidelines, locations advertised under DKV category shall have three eligible candidate list and



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inter se priority for eligible candidates in draw of lots advertised under

WEB COPY DKV category shall be given in the following order only, namely

(I) Residing in concerned Gram panchayat of advertised location

(ii) residing in concerned revenue sub division of advertised location;

and

(iii) not residing in concerned gram panchayat or revenue sub division of advertised location.

As per the selection procedure, all eligible applicants for the draw were intimated by email to their respective email id as furnished in the application and the applicants were advised to be present for the online draw on 30.11.2017 at Collector office, Erode. However, the petitioner was not present on that day. However, the petitioner was declared as a selected candidate and vide email dated 01.12.2017 the petitioner was advised to submit the security amount of Rs.20,000/- for conducting FVC. In the meanwhile, the complaints were received from two other eligible applicants stating that the selected candidate, who is the petitioner herein, is not a resident of the advertised location. During the field verification, it was



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found that the petitioner is residing at Akkampatti not in Padaiveedu.

Therefore, the petitioners application was rejected vide impugned communication dated 20.11.2018 by the second respondent. Therefore, this petition is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents 1 and 2 and perused the materials available on record.

6. The facts of the case are not in dispute. It is admitted that the petitioner made online application for getting distributionship of LPG based on advertisement dated 20.08.2017 stating that her permanent resident is Padaiveedu in Namakkal District. After conducting field inspection, it came to know that the petitioner is not residing in Padaiveedu location.

7. On perusal of the clause – 15 (c) of the guidelines, as stated supra, the petitioner's application was rejected. The 4th respondent has been appointed as LPG distributor in the said location in terms of Clause- I.



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Hence, the second respondent has rightly passed an order dated 20.11.2018 rejecting the petitioner's application, which cannot be interfere with.

8. Accordingly, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

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To

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M.DHANDAPANI, J.

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