



WEB COPY

WP No.3591 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-04-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.3591 of 2017

And

WMP No.3620 of 2017

Mr.S.Jawaharlal

... Petitioner

Vs.

Indian Oil Corporation Ltd.,
Represented by its Senior Regional Manager,
Indane Area Office,
500, Anna Salai,
Teynampet,
Chennai-600 018.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records in connection with the impugned order of the respondent dated 01.02.2017 in Ref.No.CHAO/VETP/047 and quash the same and consequently direct the respondent to accept the candidature of the



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petitioner and issue Letter of Intent in favour of the petitioner.

For Petitioner : Mr.R.Srihari for
Mr.M.Sriram.
For Respondent : Mr.V.Anantha Natarajan

ORDER

The order passed by the respondent in proceedings dated 01.02.2017 rejecting the application submitted by the petitioner for award of LPG Distributorship at Tiruppattur District under Open Category, is under challenge in the present writ petition.

2. The petitioner states that he is an unemployed Engineering Graduate. Pursuant to the advertisement in 'Dinamalar' dated 21.09.2013, the petitioner submitted an application for LPG Distributorship at Tiruppattur under Open Category. The petitioner submitted an application along with all the relevant documents. The petitioner was having an Account in Canara Bank at Tiruppattur and had a closing balance of



Rs.5,25,000/-. The petitioner's mother Smt.S.Ranjani had account in the same Bank, wherein the closing balance as on the last date of submission of the application was Rs.5 lakhs. The father of the petitioner, who is the member of Madapalli Agricultural Services Cooperative Sangam was having a balance of Rs.11,15,010/- as on 18.10.2013 and all those particulars were produced by the petitioner along with the application for the purpose of considering his case.

3. The petitioner was allowed to participate in the Lot in which he became the successful Drawee and it was informed to the petitioner. However, the subsequent processes were not proceeded with and the respondent by an impugned order rejecting the application submitted by the writ petitioner mainly on the ground that the petitioner did not have the prescribed closing balance in his Bank Account and therefore, he became ineligible to participate in the draw.

4. The learned counsel for the petitioner states that the petitioner has given the Bank Account details of his mother and father, which were not taken into consideration by the respondent. All such



accounts put together will satisfy the requirements as contemplated by the respondent in their Notification and therefore, the impugned order of the respondent is liable to be set aside.

5. The learned counsel appearing on behalf of the respondent objected the said contention raised on behalf of the writ petitioner by stating that the details contained in the application submitted by the petitioner was scrutinised carefully by the respondent. Subsequent to selection of candidate/petitioner through the Draw of Lots, the Committee constituted for conducting Field Verification of Credentials (FVC) visited the Canara Bank at Tiruppattur Branch on 14.09.2016 and they were informed that the funds available on Savings Bank Account No.0952101039902 of Mr.Jawaharlal, as on the last date of application i.e., on 22.10.2013 was only Rs.500/- as against the amount of Rs.5,25,000/- mentioned by the petitioner in the application. This was evidenced by the Bank Account Statement furnished by the Bank Manager.

6. Another Savings Bank Account No. 0952101039403 of Smt.S.Ranjani as on the date of application i.e., on 22.10.2013 was only



Rs.100/- as against the amount of Rs.5,00,100/- mentioned by the petitioner in the application. This was also evidenced by the Bank Account Statement furnished by the Bank Manager. Both the Accounts put together as on the last date of application i.e., on 22.10.2013, there was only Rs.600/- available as against the amount of Rs.10,25,100/- mentioned in the application.

7. Thus the respondent found that the informations provided in the application with regard to the minimum balance was proved to be incorrect information furnished by the petitioner. Therefore, the respondent invoked the condition stipulated in the Notification and thereafter rejected the application submitted by the petitioner.

8. The request of the petitioner to consider his case based on the subsequent account details cannot be taken into consideration, since it will affect the prospects of other applicants, who have submitted their applications pursuant to the Notification and he was waiting for the final results.



9. Prescribing eligibility is the prerogative of the respondent.

Once the eligibility criterias have been prescribed in the Notification, the applicants are bound to satisfy those conditions, failing which their applications are liable to be rejected. In the event of relaxing the condition, it will affect the prospects of other eligible candidates, who all are waiting to acquire the Distributorship on merits. Those compromising conditions would hit the equal opportunity to be provided to all the eligible candidates, who all are aspiring to secure LPG Distributorship.

10. This exactly is the reason why the Constitutional Courts have repeatedly emphasised that the conditions stipulated at no circumstances be relaxed nor dispensed with affecting the rights of other candidates, who all are fully eligible and waiting for selection.

11. In the present case, as on the date of application, the petitioner was not possessing the required closing balance in the Bank Account and the details given by the petitioner in his application were found to be incorrect by the Authorities through the Bank and thus the petitioner is not entitled for the relief as such sought for in the present writ petition.



12. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

18-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

The Senior Regional Manager,
Indian Oil Corporation Ltd.,
Indane Area Office,
500, Anna Salai,
Teynampet,
Chennai-600 018.



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S.M.SUBRAMANIAM, J.

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