



W.P.No.32718 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32718 of 2019

And

W.M.P.No.33137 of 2019

S.Govindaraj

... Petitioner

Vs.

1.Union of India

Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi – 110 001.

2.Indian Oil Corporation Ltd.,

Rep. by its Deputy General Manager
(Retail Outlet Pump),
No.500, Anna Salai, Teynampet,
Chennai – 600 035.

3.Bharat Petroleum Corporation Ltd.,

Rep. by its Deputy General manager
(Retail Outlet Pump),
15th Main Road,
Ranganathan Garden,
Anna Nagar,
Chennai – 600 040.

4.Hindustan Petroleum Corporation Ltd.,

Rep. by its Deputy General Manager
(Retail Outlet Pump),
No.82, Petrol Bhavan,
TTK Road, Alwarpet,
Chennai – 600 018.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to treat the application of the petitioner under ST/PH category and to appoint the petitioner as Regular Retail Outlet (Petrol Pump) dealership under Scheduled Tribe (Physically Handicapped) category and allot the location viz. Alangayam to Nimmiyambattu on SH 215 to the petitioner.

For Petitioner : Mr.N.Manoharan
for M/s.S.Doraiswamy

For Respondents : Mr.P.R.Ramesh Babu for R1
Senior Standing Counsel
Mr.Mohammed Fayaz Ali for R2
Mr.M.Vijayan for R3 and R4
for M/s.King and Partridge

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to treat the application of the petitioner under ST/PH category and to appoint the petitioner as Regular Retail Outlet (Petrol Pump) dealership under Scheduled Tribe (Physically Handicapped) category and allot the location viz. Alangayam to Nimmiyambattu on SH 215 to the petitioner.

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2.The case of the petitioner is that the petitioner belong to Scheduled Tribe Community and he is a physically challenged person. On 24.11.2018, respondents 2 to 4 invited applications for appointment of Regular/Rural Retail Outlet Dealers at various locations in Tamil Nadu and Union Territory of Puducherry. As per the Brochure, 1% was reserved for SC/ST Physically Handicapped category, however, since the column in the application in the respondent website did not open for SC/ST Physically Handicapped category, the petitioner applied under the ST category. Thereafter, the petitioner came to know that the respondents did not provide any dealership for SC/ST Physically Handicapped category and that the respondents are proposing to allot the dealership reserved for SC/ST Physically Handicapped category to general category. Aggrieved by the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that as per the Brochure, 1% was reserved for SC/ST Physically Handicapped category, however, since the column in the application in the respondent website did not open for SC/ST Physically Handicapped category, no one could apply in the said category.



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Further, under the reservation meant for SC/ST category, none of the dealership were allotted to ST category and were allotted only to the persons who belong to SC category.

4.The learned Senior Standing Counsel appearing for the first respondent submitted that admittedly 22.50% was reserved for SC/ST category of which, 1% was reserved for SC/ST Physically Handicapped category, however, the petitioner did not apply under the said category and he applied only under the ST category, in which draw was conducted and the petitioner was not selected in the draw. Without challenging the non-selection in the draw, the petitioner has filed this writ petition for direction to the respondents to treat the application of the petitioner under ST/PH category and to appoint the petitioner as Regular Retail Outlet (Petrol Pump) dealership under Scheduled Tribe (Physically Handicapped) category, which is not sustainable one, since the selection process is already over and the dealership has already been allotted. If at all the petitioner have any grievance, he ought to have challenged the selection process at the relevant point of time.

5.Heard the arguments advanced on either side and perused



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the materials available on record.

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6.The facts in the present case is not in dispute. On 24.11.2018, respondents 2 to 4 invited applications for appointment of Regular/ Rural Retail Outlet Dealers at various locations in Tamil Nadu and Union Territory of Puducherry, in which, 22.50% of location was reserved for SC/ST category, of which, 1% was reserved for SC/ST Physically Handicapped category, however, the petitioner did not apply under the said category and he applied only under the ST category, in which draw was conducted and the petitioner was not selected in the draw.

7.As rightly pointed out by the learned Senior Standing Counsel appearing for the first respondent, if at all the petitioner have any grievance, he ought to have challenged the selection process at the relevant point of time. Without challenging the non-selection in the draw at the relevant point of time, the petitioner has filed this writ petition for direction to the respondents to treat the application of the petitioner under ST/PH category and to appoint the petitioner as Regular Retail Outlet (Petrol Pump) dealership under Scheduled Tribe (Physically Handicapped) category, which is not sustainable one.



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8. In view of the above, the relief sought for in this writ petition cannot be granted. The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

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