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W.P.No.32794 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32794 of 2023

and

W.M.P.Nos.32423 & 32424 of 2023

Murugan

... Petitioner

Vs.

1.The Indian Oil Corporation,
Indian Oil Bhavan,
Represented by its Executive Director,
No.139, Mahatma Gandhi Road,
Chennai – 600 034.

2.The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Limited (MD),
Trichy Divisional Office,
Triveni, 3rd Floor, B-35, Shastri Road,
Thillai Nagar, Trichy – 620 018.

3.Ambikadevi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records leading to the impugned selection list published in the website by the 2nd respondent dated Nil, in respect of the 1st respondent's Notification for appointment of



Regular / Rural Retail Outlet (Petrol Pump) dealerships, dated 28.06.2023 for location No.1325 and quash the same as illegal and violation of Principles of Natural Justice and further directing the 2nd respondent to consider the Petitioner's Retail Outlet Application No.IOC16968471288025, dated 09.10.2023 along with representation dated 30.10.2023 and allow the petitioner to participate the further process of selection of Retail Outlet.

For Petitioner : Mr.J.Venkatraman

For R1 & R2 : Mr.Mohammed Fayaz Ali

For R3 : No Appearance

ORDER

The petitioner submitted an application for payment of the Retail Outlet Petrol Bunk dealership pursuant to the notification issued by the Indian Oil Corporation dated 28.06.2023.

2. Admittedly, the petitioner submitted his application under category Group II as per the brochure issued by the 1st respondent for selection of dealers. The guidelines for selection of dealers for regular and rural retail outlets through draw of lots / bidding process are binding on the applicants. The instructions and the guidelines are to be followed scrupulously for the



purpose of considering the applications.

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3. Court cannot dispense with the guidelines, where the selection process has been involved. Under Clause 4 (VI), the petitioner submitted his application under Group-2, wherein the applicants having firm offer for a suitable piece of land for purchase or long term lease for a period of minimum 19 years 11 months or as advertised.

4. The learned counsel for the petitioner now would submit that the petitioner is eligible under Group-1 also and therefore, the application submitted by the petitioner is to be considered under Group-1. It is further stated that the petitioner is not eligible for Group-2 and thus, the application is to be considered under Group-1, since the petitioner submitted documents applicable to Group-1.

5. Mr.Mohammed Fayaz Ali, learned counsel for the respondents 1 and 2 would oppose the contention by stating that the guidelines issued in the form of brochure is binding on the persons, who all are submitting applications pursuant to the notification. Under Clause 4(n) “The Group



under which the applicant's land falls, would be considered based on the declaration given in the application. However, this aspect will be verified by the OMC and in case it is found that the offered land is not in the group as declared by the applicant, the land will not be considered and the applicant will be made ineligible. However, in case of Group-2 applicants, if the offered land is found to be in Group-1 by the OMC, the candidature of such applicants will be considered for selection under Group-2”.

6. When the guidelines for consideration of application under different Groups are stated clearly, the application already submitted by the petitioner cannot be converted from Group-2 to Group-1. If at all the petitioner is coming under the eligibility criteria his application will be considered along with all other applications submitted pursuant to the notification. Therefore, the claim of the petitioner for conversion of application after commencement of process of selection is impermissible.



7. Accordingly, this Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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01.04.2024

Jeni

Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

To

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