

2024.PHHC.070688



CWP No. 11735 of 2024

Date of Decision:20.05.2024

Omwati Singh Gur**....Petitioner**

VS.

Bharat Petroleum Corporation Limited and another**....Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Krishan Singh, Advocate for the petitioner

Mr. Raman Sharma, Advocate for the respondents

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 09.03.2024 (Annexure P-12) whereby her candidature has been cancelled in Group 2 and shifted her to Group 3 on account of non-submission of requisite documents.

2. The petitioner was selected in the draw of lots in respect of a petrol pump advertised by respondents. There was deficiency in documents and respondents vide communication dated 05.12.2023 asked her to submit documents within 10 days. She submitted documents which were incomplete. The respondents again vide communication dated 13.02.2024 directed her to submit documents within 21 days and last date for submitting documents was 05.03.2024. She failed to submit documents by 05.03.2024 as she was suffering from cancer. She sought extension, however,



respondents did not grant extension instead cancelled her candidature in Group 2 and shifted her to Group 3.

3. Mr. Raman Sharma, Advocate, who on advance notice is present in Court, submits that as per Brochure, a candidate at the first instance, is granted 10 days’ time to complete documents and thereafter 21 days’ time. There is no provision to grant extension and in the case in hand, the chain of events to complete documents commenced on 05.12.2023 and petitioner could not complete documents by 05.03.2024. Left with no other option, the Corporation cancelled her candidature in Group 2 and shifted her Group 3.

4. Mr. Krishan Kumar, Advocate expressed his inability to point out any provision in the Brochure which permits condonation of delay or empowers any authority to grant extension beyond the period prescribed in the Brochure.

5. The petitioner had applied for the allotment of petrol pump which is a purely commercial transaction between the parties. The parties were bound by the terms and conditions of the Brochure. This Court cannot ask the respondents to act contrary to terms and conditions of Brochure.

6. In the wake of above discussion and findings, the petition being devoid of merit, deserves to be dismissed and accordingly herby dismissed.

(JAGMOHAN BANSAL)
JUDGE

20.05.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No