



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8338 OF 2025

Nana Babulal Malache

VERSUS

Union Of India

Through Ministry Of Petroleum And Natural Gas And Another

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- Mr. V. P. Bakal, Advocate for the Petitioner
- Mr. A. G. Talhar, Advocate for Respondent No. 1
- Mr. A. P. Bhandari, Advocate for Respondent No. 2

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CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 31.07.2025

PER COURT :

1. Heard learned counsel for the petitioner and learned counsel appearing for the respondents.
2. The petitioner is constrained to knock the doors of this Court under Article 226 of the Constitution of India in the backdrop of the fact that his application for grant of petrol pump, submitted pursuant to such allotment on the basis of a draw of lots, is rejected due to inability of the petitioner to submit a certificate showing that he belongs to the 'Bhill', Scheduled Tribe.

3. As per the brochure of selection of dealers for regular and rural retail outlets, any deficiency in documentation on the part of the petitioner was required to be cured within 21 days, as per the communication addressed by respondent No. 2 to the petitioner. The said window of 21 days expired on 02.05.2025. It is the case of the petitioner that since the entire process is online, he did make attempts to upload required documents including caste/tribe certificate issued by the competent authority, but due to difficulty in connectivity, he could not do so.

4. This resulted in the impugned communication dated 21.05.2025, which rejected the application of the petitioner on the stated ground that caste/tribe certificate issued by competent authority was not uploaded. The said communication itself indicated that if there was a grievance against the rejection of the candidature of the petitioner, a representation could be made by 31.05.2025.

5. The reply of the respondent shows that the said representation was also rejected by a subsequent communication dated 11.06.2025 on the very ground that the caste/tribe certificate was not uploaded on the portal on or before 02.05.2025.

6. It is crucial to note that the representation submitted by the petitioner on 30.05.2025 shows that he uploaded various documents

including a copy of the caste/tribe certificate. This is evident from Exhibit 'G' which shows that the first attachment was indeed the caste/tribe certificate.

7. We are of the opinion that although the brochure does specify procedure to be followed and in that sense the respondents cannot be found fault with in insisting that the required documents including caste/tribe certificate should have been uploaded on or before 02.05.2025, but this is not a case where the petitioner did not have a caste/tribe certificate in the first place or that there is material to indicate that the petitioner deliberately failed to upload the same. So long as the petitioner is able to make out a reasonable case to demonstrate that factors beyond his control resulted in his inability to upload the caste /tribe certificate before the cut of date, writ jurisdiction could certainly be exercised in the interest of justice. Copy of the caste certificate shows that it was issued as far back on 06.07.2004. The petitioner had nothing to gain and everything to lose by failing to upload the same before the cut of date. Therefore, we are inclined to accept the contention of the petitioner that it was due to circumstances beyond his control, including lack of connectivity in the remote area of his residence, which resulted in his failure to upload the caste/tribe certificate before the cut of date.

8. Now that the petitioner has indeed uploaded the caste certificate with the representation dated 30.05.2025, we are of the opinion that respondent No. 2 needs to take the caste/tribe certificate on record and proceed further in accordance with law.

9. In view of the above, the Writ Petition is allowed. The impugned communication dated 21.05.2025 and subsequent communication dated 11.06.2025 are quashed and set aside. The respondents are directed to take the caste/tribe certificate of the petitioner, uploaded on 30.05.2025, on record and to proceed further in accordance with law.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)