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WP No. 12178 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 12178 of 2024

AND

WMP NO. 13273 OF 2024

1. V.Kannadasan,
S/o.Veerappan, No. 5,10th Cross,
Ilango Nagar, Puducherry, Also At 185,
Anna Nagar, Nellikuppam, Cuddalore
-607 105.

Petitioner(s)

Vs

1. Hindustan Petroleum Corporation
Limited,
Rep. By Its Authorized Officer, No. 17,
Jamshedji Tata Road, Mumbai-400 020.

2.The Head Of Regional Office,
Hindustan Petroleum Corporation
Limited, Trichy Retail Regional Office,
No.90, 2nd Floor, MDSR Encalve,
Bharathdasan Road, Cantonment,
Tirchy -620 001.

Respondent(s)

**PRAYER**

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Certiorarified Mandamus to call for the order of the 2nd Respondent dated 28.03.2024 in Ref.No. HPC16945862293905 and and quash the same and consequently direct the respondents to process the petitioner's application dated 11.09.2023 by giving further time to pay Security Deposit.

For Petitioner(s): Mr.G.Venkatesan for
Mr.P.Suresh Babu

For Respondent(s): M/s. Mohammed Fayaz Ali,
Standing counsel for R1 and R2

ORDER

This writ petition has been filed challenging the impugned communication dated 28.03.2024 issued by the 2nd respondent and for a consequential direction to the respondents to process the application submitted by the petitioner on 11.09.2023 and to award the dealership to the petitioner.

2. The case of the petitioner is that pursuant to an advertisement given by the Petroleum Corporation, the petitioner applied for retail outlet dealership under the Scheduled Caste category and he submitted his application on 11.09.2023. On receipt of the application, the 2nd respondent through the communication dated 16.11.2023 intimated the petitioner regarding his provisional selection for the retail outlet dealership and the petitioner was directed to deposit a sum of Rs.3,00,000/- towards initial security deposit and the petitioner was also directed to submit various documents. The petitioner



ought to have fulfilled all these conditions on or before 26.11.2023. Since the petitioner did not receive the certificate regarding his community in the prescribed format on time, he sought for extension of time. However, there was no response from the side of the 2nd respondent and ultimately, through the impugned communication dated 28.03.2024, the petitioner was informed that his application was rejected on the ground that the petitioner did not pay the initial security deposit of Rs.3,00,000/-. Aggrieved by the same, the present writ petition has been filed before this Court.

3. The 2nd respondent has filed a counter affidavit. The 2nd respondent has taken a stand that the petitioner ought to have submitted all the relevant documents and paid the security deposit within 10 days after the provisional selection was intimated to the petitioner by letter dated 16.11.2023. A reminder was also issued to the petitioner on 27.11.2023 and the petitioner did not fulfil the conditions and therefore, as per the selection guidelines, the candidature of the petitioner was cancelled and it was intimated to the petitioner. In view of the same, the 2nd respondent has sought for dismissal of the present writ petition.

4. Heard Mr.G.Venkatesan for Mr.R.Suresh Babu, learned counsel for the petitioner and Mr.Mohammed Fayaz Ali, learned standing counsel for respondents 1 and 2.

5. The learned counsel for the petitioner submitted that till date, the



dealership has not been allotted in favour of any one and therefore, the respondent corporation can consider granting the dealership in favour of the petitioner since the petitioner is willingness to pay the security deposit and he is also in possession of all the relevant documents.

6. Per contra, learned Standing counsel, appearing on behalf of the Petroleum Corporation submitted that the petitioner was the only eligible candidate and till date, the Petroleum Corporation did not take steps to call for a fresh advertisement for dealership due to the pendency of the present writ petition. The learned Standing Counsel further submitted that the petitioner is not entitled for being allotted the dealership in line with the selection guidelines which are binding on the petitioner.

7. In the considered view of this Court, the only candidate who was eligible for being considered for awarding the retail outlet dealership was the petitioner under the Scheduled caste category. There is already a community certificate issued to the petitioner. But, however as per the application, the community certificate has to be given by the concerned authority in a prescribed format. The petitioner was not able to get that formatted certificate within time. Ultimately, the petitioner was able to get the same on 28.11.2023 and the petitioner was also willing to submit all the documents along with the security deposit. However, it was not received and ultimately, the petitioner was informed by the 2nd respondent through communication dated 28.03.2024 that



the selection has been cancelled.

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8. The last date for the submission of the documents and the payments of the security deposit was on 26.11.2023. The petitioner was informed about the same on 27.11.2023 and according to the petitioner, he was able to make all the documents ready only on 28.11.2023. On that day, he was also willing to pay the security deposit. As per the selection guidelines, in case of non payment of security deposit and / or non submission of the requisite documents within the extended time line, the candidature shall be cancelled under intimation to the provisionally selected candidate. In the guidelines, it is stated that the candidate who is provisionally selected will be intimated to remit the initial security deposit through on-line along with the requisite documents within 10 days of the intimation. The 10 days period ended on 26.11.2023. The guidelines further provides that in case the initial security deposit is not paid and /or requisite documents are not uploaded, the applicant can be given another 10 days time. If, in case, the applicant does not pay the security deposit and / or submit the requisite documents within the extended time line, the candidature will stand cancelled.

9. In the case in hand, the petitioner was in possession of all the documents by 28.11.2023 and there is no material to show that any further extension of time of 10 days was given to the petitioner. However, the learned Standing counsel submitted that there was a deemed extension since the portal



was kept open for nearly four months. It is not known as to why the petitioner did not utilise this opportunity to upload the documents and pay the security deposit on time. Even in the affidavit filed in support of the writ petition, the petitioner has only stated that he was not in a position to upload the document and pay the security deposit within time. The petitioner does not explain as to what he was doing from 27.11.2023 to 28.03.2024 when the impugned communication was sent to the petitioner. If the petitioner does not explain this period, obviously, it must only be construed that the petitioner did not choose to upload the same and pay the security deposit.

10. In view of the above, the petitioner is bound by the terms of the selection guidelines and his provisional selection will stand automatically cancelled. There is no ground to interfere with this decision taken by the 2nd respondent.

11. It is left open to the 2nd respondent to proceed further to issue a fresh advertisement calling for applications and it is left open to the petitioner to participate in the same and submit his application which will be considered on its own merits.

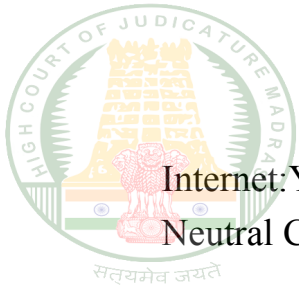
12. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

03-07-2025

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Index: Yes/No

Speaking/Non-speaking order



Internet: Yes/No

Neutral Citation: Yes/No

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To

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N.ANAND VENKATESH J.

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