

(2014) 10 RAJ CK 0136
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2400/2012

Snehlata Singh Rajawat

APPELLANT

Vs

Bharat Petroleum Corp. Ltd.

RESPONDENT

Date of Decision : 27-10-2014

Acts Referred:

Citation : (2014) 10 RAJ CK 0136

Hon'ble Judges : Pratap Krishna Lohra, J

Bench : Single Bench

Advocate : D.S. Sodha, Advocate for the Appellant; Sunil Beniwal, Advocate for the Respondent

Judgement

Pratap Krishna Lohra, J.—Petitioner has laid this writ petition challenging the selection process for awarding LPG distributorship at Tilak Nagar, District Bhilwara, which was undertaken by the respondents. Besides that, petitioner has also challenged the order dated 3rd February, 2012 (Annex. 12), whereby her candidature for allotment of LPG distributorship under the category of "Outstanding Sports Persons" was not acknowledged as she was not fulfilling the requisite eligibility.

2. The facts necessary for the purpose of adjudication of the lis involved in the matter are that an advertisement was issued by the respondents inviting applications from the eligible candidates for allotment of distributorship of LPG in the State for different categories on 13th March, 2010. Para 5 of the Brochure deals with eligibility criteria for various reserved categories. Clause (d) of para 5 of the Brochure deals with the criteria for determining status of an individual as outstanding sports person, which reads as under:-

(d) Outstanding Sports Persons (OSP)

The following persons will be eligible:

(a) Arjun Awardees/Khela Ratan awardees

(b) Winners of Medals at Olympics/Asiad/Commonwealth Games and Recognised World Champions.

(c) National Champions under the Recognised National Championships.

(d) National Adventure Awardees

Persons applying should produce a certificate from the recognised National Federation organizing National Championships (as recognised by the Department of Youth Affairs and Sports, Government of India) or from the Department of Youth Affairs and Sports, Government of India.

The criteria of Educational Qualification for eligibility will not be applicable for OSP category. However, candidates will be given marks for educational qualification as mentioned in their application.

3. Being aspirant for allotment of LPG distributorship, petitioner offered her candidature as a person belonging to clause (d) of para 5 of the Brochure i.e. Outstanding Sports Persons and craved for allotment of LPG distributorship at Tilak Nagar, District Bhilwara. For proving her credentials as outstanding sports person, petitioner has also submitted requisite certificates, which are Annex. 3 with the petition. The relevant certificate is the certificate issued by the National Rifle Association of India dated 18th August, 2010 in which in that competition, she was placed at first position. The application submitted by the petitioner along with the requisite documents was scrutinized by the respondents and regarding the certificate of the petitioner requisite informations were solicited from National Rifle Association of India vide letter dated 22nd of July, 2011. In response to the same, the National Rifle Association of India by its communication dated 29th September, 2011 has conveyed to the respondents that the competition, which the petitioner has won, is not recognized and as such she is not fulfilling the eligibility criteria of sub-clause (c) of clause (d) of para 5 of the Brochure. The recitals contained in the letter dated 29th September, 2011 from the Secretary, National Rifle Association of India is reproduced as under:-

This has reference to your letter No. AT.LPG.MKTGPL0810.TILAK NAGAR dated 22.07.2011 in connection with certificate NO. TRG/CERT/96 dated 02.10.2006 & TRG/CERT/96 dated 18.08.2010.

1. The XVI All India G.V. Mavlankar Shooting Championship does not fall under the eligibility criteria "C", as stated in your letter.

2. It is confirmed that Smt. Snehlata Singh Rajawat has participated in XVI All India G.V. Mavlankar Shooting Championship and certificate was issued vide our certificate No. TRG/CERT/96 dt. 02.10.2006 and TRG/CERT/96 dt. 18.08.2010 to her for 1st position (Gold Medal) during the championship.

4. I have heard learned counsel for the parties and perused the materials available on record.

5. Undisputedly, the petitioner has applied for allotment of LPG distributorship by

presenting her credentials as outstanding sports person and for that purpose her eligibility is required to be determined in terms of criteria prescribed under the Brochure. Clause (d) of Para 5 recognizes four categories of the sports persons, who are eligible for claiming the privilege of such allotment in the reserved category. Essentially, the petitioner has staked her claim by invoking sub-clause (c) of clause (d) of para 5 of the Brochure.

6. On perusal of the communication dated 29th September, 2011 (Annex. R/2), it is crystal clear that the petitioner is not eligible to claim privilege for allotment of LPG distributorship under the category "Outstanding Sports Persons". The recitals contained in Annex. R/2 are clear and unequivocal and the said communication has been issued by the same authority, which has issued certificate in the name of the petitioner.

7. In this view of the matter, there remains no doubt that the petitioner is not eligible to compete for selection as a candidate belonging to outstanding sports person and as such while passing the impugned order (Annex. 12), the respondents have not committed any illegality and they have rightly pressed into service the requisite criteria for LPG distributorship to outstanding sports persons.

8. Resultantly, I find no merit in this writ petition and the same is, accordingly, dismissed.

9. Dismissal of the writ petition entails vacation of interim stay order.