

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7704-7705 OF 2013  
(Arising out of SLP(C) Nos.19572-19573/2012)

RAJIBA LOACHAN PATRO

Appellant(s)

:VERSUS:

BHARAT PETROLEUM CORPORATION OF INDIA & ORS.

Respondent(s)

O R D E R

Leave granted.

2. Heard Mr. P.N. Mishra, learned senior counsel appearing for the appellant, and the counsel for the respondents.

3. This appeal seeks to challenge the judgment and order dated 17.11.2011 passed by the High Court of Orissa in Writ Petition (C) No.20630 of 2010, whereby the High Court has allowed the writ petition filed by respondent No.5 herein. The appellant

sought review of that order by filing Review Petition No.64 of 2012 which was rejected by order dated 21.3.2012. This order is also challenged in the present appeal.

4. The short facts giving rise to the filing of this appeal are this wise. The first respondent Bharat Petroleum Corporation had issued an advertisement for allotment of L.P.G. Dealership in various districts of Orissa under various categories. Respondent No.5 applied for a location known as Jagannath Prasad in Ganjam District which was reserved for a Scheduled Caste candidate. Respondent No.5 belongs to Scheduled Caste. One of the requirements for the L.P.G. dealership was that the person concerned ought to have land at that particular place and he should have document also in support, showing that he is in possession of that land as on 20.11.2009, the last date for submitting the applications. Respondent No.5 did not have the requisite document showing possession of the concerned parcel of land on that date and, therefore, he could not be found eligible for the L.P.G. Dealership. The other candidates who applied

for L.P.G. Dealership at Jagannath Prasad in Ganjam District were also not found suitable. As per the Policy of the Bharat Petroleum Corporation, it has been specified that if none of the candidates are found suitable for the location reserved for SC/ST category, it will be re-advertised under the open category. The respondent company, therefore, issued a fresh advertisement on 31.10.2010 for allotment of L.P.G. Dealership in such locations under open category.

5. It is this second advertisement which was challenged by respondent NO.5 by filing a writ petition before the High Court. This petition has come to be allowed by the Orissa High Court. The appellant, who is an open category candidate, sought review of that order by filing Review Petition No.64 of 2012 and that review petition has come to be rejected vide order dated 21.3.2012. Both these orders are challenged in this appeal.

6. Having heard both the counsel for the parties, it is very clear that the High Court was in error in allowing the writ petition filed by

respondent No.5, for the reason that respondent No.5 was not owning the concerned parcel of land at that particular place. What is important is to have a parcel of land at the particular place where L.P.G. Dealership is to be allotted. He claims to have owned another parcel of land after the last date of the first advertisement i.e. 20.11.2009. In the circumstances, we set aside the judgment and order passed by the High Court. The second advertisement is valid and steps in consequence thereto are held justified. The writ petition filed by respondent No.5, being Writ Petition No.20630 of 2010, will stand dismissed. Hence, the Review Petition will stand disposed of as not requiring any order thereon. The appeal is allowed accordingly, though without any order as to costs.

.....J  
(H.L. GOKHALE)

.....J  
(J. CHELAMESWAR)

New Delhi;  
August 30, 2013.