

**Court No. - 1**

**Case :-** WRIT - C No. - 30824 of 2019

**Petitioner :-** Mahesh Chandra

**Respondent :-** Union Of India And 3 Others

**Counsel for Petitioner :-** Ankit Agarwal

**Counsel for Respondent :-** A.S.G.I.,Vikas Budhwar,Yogendra Kumar

**Hon'ble Ramesh Sinha,J.**

**Hon'ble Ajit Kumar,J.**

Heard Sri Ankit Agarwal, learned counsel for the petitioner, Sri Vikas Budhwar, learned Advocate appearing for respondent nos. 2, 3 and 4 and perused the record.

By means of this petition under articles 226 of the constitution, the petitioner has raised his grievance regarding non consideration of his candidature for the allotment of retail outlet. He submits that he had applied for the retail outlet by submitting application form on 19.12.2018, i.e., much before the prescribed date. However, he has not been apprised as to what has been the fate of the application/form that he had submitted. He submits that in the draw of lotts, at least his candidature ought to have been considered and he should have been placed in the category of preferences.

On the last occasion we had granted time to Sri Vikas Budhwar learned counsel appearing for the respondent-Corporation to have instructions in the matter regarding the grievance raised by the petitioner. Today, Sri Budhwar placed instructions before the Court which is taken on record.

As per the instructions obtained by Sri Vikas Budhwar, it has been intimated to him that the selection is being made in the category of Group 1 and draw of lotts have taken place only in the preferential way for the purpose of Group 1 category. He has drawn our attention to page-22 of the paper book, annexure-3 to the writ petition in which the applicant has applied for the retail outlet in Group 2 category. In such view of the matter he submits that the candidature of the petitioner was liable to be considered only when the Corporation would not have found any candidate in Group 1 category and since the candidature of the petitioner could not be considered in Group 1 category, there was no question of his candidature being subjected to any draw of lotts in question.

Learned counsel for the petitioner does not dispute that petitioner has applied as Group 2 candidate.

In such view of the matter, we do not find any merit in the submission advanced learned counsel for the petitioner. The writ petition lacks merit and is, accordingly, dismissed.

(Ajit Kumar, J.) (Ramesh Sinha, J.)

**Order Date :-** 30.9.2019

Shiraz