

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 46 of 2024

Date of Decision: 07.03.2024

Smti Radhika Koch,
D/o Shri Bhiteswar Koch
R/o Diglpara, Garobadha,
P.O. Garobadha, P.S. Tura
West Garo Hills District,
Meghalaya.

... **Petitioner(s)**

Versus

1. Union of India
Represented by the
Ministry of Petroleum and Natural Gas,
Government of India, New Delhi
2. Bharat Petroleum Corporation Ltd.,
12/E&F, Maker Towers, Cuffe Parade,
Post Box No. 19949, Mumbai-400005.
3. Bharat Petroleum Corporation Ltd.,
Head of Territory Office, Holding No. 253
Ward No. 2, Lower New Colony,
Laitumkhrah, Shillong, East Khasi Hills District
Meghalaya.

..... **Respondents**

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. E. Nongbri, Adv.

For the Respondent(s) : Ms. S. Rumthao, Adv.
vice Dr. N. Mozika, DSGI (For R 1)
Mr. S. Jindal, Adv. with
Mr. I. Kharmujai, Adv. (For R 2&3)

i)	Whether approved for reporting in Law journals etc:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. The grievance of the writ petitioner which has been brought before this Court by way of the instant writ petition, is the rejection of her candidature for appointment as a Retail Outlet Dealer, under the respondents Nos. 2 & 3.

2. It has been submitted by Mr. E. Nongbri, the learned counsel for the petitioner that on the advertisement being floated, the writ petitioner had tendered her application, which was accepted. In the course of the selection process, she was selected after the draw of lots and was accordingly informed by a communication dated 16.12.2023. However, it is submitted that due to some defects in the documents uploaded, and the petitioner on being aware of the same, had attempted to upload the required documents, but was not successful. Thereafter, on being un-successful, the writ petitioner it appears, had even approached the respondents Nos. 2 & 3 personally

with the documents, which were not accepted and the same resulted in the rejection of her candidature on 23.02.2024.

3. Mr. S. Jindal, the learned counsel for the respondents Nos. 2 & 3, submits that the entire system being automated, the respondents Nos. 2 & 3, are not in a position to accept any physical documents, as the same is the directive from the Ministry. He, however, submits that since the writ petitioner had preferred a representation dated 27.02.2024, the same will be taken into consideration, if any latitude can be granted to the petitioner since she was a successful applicant, to be reconsidered.

4. Having heard the learned counsel for the parties and on examination of the materials on record, it appears that the situation as has happened was because of the technical difficulties experienced by the petitioner, as also the fact that the same being managed through a dedicated portal, the corrected documents could not be accepted physically by the respondents Nos. 2 & 3.

5. Be that as it may, the fact that no mala fide can be attributed to the action of the petitioner, the respondents Nos. 2 & 3 are therefore, directed to dispose of the representation which has been filed, within a period of 2(two) weeks from the date of receipt of this order.

6. During the pendency of the representation, it is expected that the respondents Nos. 2 & 3, will not settle the Retail Outlet with any other party.

7. With the above directions, this matter stands closed and is disposed of.

JUDGE

Meghalaya
07.03.2024
"V. Lyndem-PS"