

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 2519 OF 2015

Kamal s/o Kishor Darak

.. PETITIONER

VERSUS

The Union of India
& others

.. RESPONDENTS

Mr. S. C. Bhosle, advocate for petitioner.

Mr. S.B. Deshpande, Standing Counsel for Union of India.

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**CORAM : R.M. BORDE &
P.R. BORA, JJ.**

DATE : 11^h MARCH, 2015.

PER COURT :

1. Petitioner is challenging rejection of his claim for appointment as dealer for retail sale of petroleum products. Another candidate by name Rukmaji s/o Govindrao Kawale has been selected who has secured 88.91% marks during the selection process. Petitioner has secured 87.27% marks and is at serial no. 2 in the select list.

2. On earlier occasion, petitioner was held not eligible to participate in the process since he failed to furnish original copies of the Pass Book with the Selection Committee. The decision was challenged by petitioner in this Court in Writ Petition No. 9447/2012. While allowing the petition, this court permitted petitioner to tender appropriate complaint to the Grievance Cell and issued directions to the Grievance Cell to deal with the complaint and pass appropriate orders. Grievance Cell took up the complaint tendered by petitioner for consideration and rejected the candidature of

petitioner by order dated 01.07.2014 maintaining the earlier stand. The decision of Grievance Cell was subject matter of challenge in Writ Petition No. 6132/2014. This Court allowed the petition on consideration of the contentions raised by petitioner and quashed and set aside the order of the Grievance Cell. Direction was issued to respondent – petroleum company to consider petitioner eligible for allotment of retail outlet. Since petitioner raised certain allegations against the Selection Committee, the petroleum company changed the selection panel and appointed new members to take decision. All the candidates were called before the newly constituted Selection Committee and fresh interviews were held. During the selection process, the selected candidate got 88.91% marks whereas petitioner secured 87.27% marks.

3. We do not find any infirmity in the process of selection adopted by the newly constituted Selection Committee. Petitioner has been awarded marks for all the para meters whereas the selected candidate has secured more marks under the head business ability / acumen and personality. We do not find any error in the decision rendered by the newly constituted Selection Committee. Petition is devoid of substance hence stands rejected.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE