

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

RP.No. 135 of 2015 () IN WP(C).34743/2009

JUDGMENT IN WA 1022/2013 &
WP(C) NO.34743 of 2009 of HIGH COURT OF KERALA DATED 20-09-2014

REVIEW PETITIONER(S)/ADDL.3RD RESPONDENT IN WPC NO.34743/2009 :

VIJAYAKRISHNAN A, AGED 30 YEARS,
S/O.ARU. V, GURUKRIPA, MANNATUTHARA
THIRUVALATHUR P.O., KODUMBA, PALAKKAD DISTRICT
PIN - 678 555.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.
SMT.N.C.SALINI
SMT.K.S.SMITHA
SRI.C.RADHAKRISHNAN

RESPONDENT(S)/PETITIONER/RESPONDENTS 1 AND 2 :

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1. SRINIVASAN K
SREE NILAYAM, KODIYANKADU, MUTTIKULANGARA P.O.
PALAKKAD DISTRICT-678 594.
 2. INDIAN OIL CORPORATION LIMITED
PANAMPILLY AVENU, PANAMPILLI NAGAR, KOCHI-682 036
REPRESENTED BY ITS MANAGER.
 3. THE DEPUTY GENERAL MANAGER (LPG)
M/S.INDIAN OIL CORPORATION LIMITED, PANAMPILLY NAGAR
COCHIN-682 036.

R1 BY SRI. LAIJU CHANDRAN
R1 BY SRI. RAFFEEK K
R2 & R3 BY SRI.M.GOPIKRISHNAN NAMBIAR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN

&

P.B.SURESH KUMAR, JJ.

R.P. No.135 OF 2015 in W.P.(C) No.34743 of 2009

Dated 19th November, 2015.

O R D E R

P.B.Suresh Kumar, J.

Heard the learned counsel for the review petitioner.

2. The additional third respondent seeks review of the judgment in the writ petition.

3. The judgment sought to be reviewed was though challenged by the additional third respondent before the Apex Court in a Special Leave Petition, the same was dismissed.

4. The matter relates to the allotment of Liquefied Petroleum Gas (LPG) distributorship by the Indian Oil Corporation Limited at Kottayi in Palakkad district. The petitioner and the additional third respondent were applicants for allotment of the said distributorship. In the initial interview conducted by the Dealer Selection Committee on 17.12.2008,

the petitioner secured 23.17 marks and the additional third respondent secured 22.84 marks. There were two other candidates who have secured more marks than the petitioner in the said interview. The petitioner and the candidates who have secured more marks than the petitioner were called for a second interview before the Screening Committee on 4.9.2009. The candidates who have secured more marks than the petitioner did not attend the said interview. Nevertheless, the Screening Committee selected the additional third respondent who was not even called for the interview before the Screening Committee, after reducing the marks secured by the petitioner in the initial interview to 21.75. The petitioner challenged the selection of the additional third respondent in the writ petition.

5. The writ petition was heard along with W.A.No.1022 of 2013 preferred by the petitioner challenging the decision of this Court in another writ petition in respect of the very same subject matter and this Court allowed the writ petition and the writ appeal. It was found that in so far as the two among the three candidates called for the interview by the

Screening Committee did not participate in the interview, there was no necessity at all for the Screening Committee to revise the marks secured by the petitioner. It was also found that the marks awarded to the petitioner by the Screening Committee were with reference to his credentials to the subjective satisfaction of the members of the Screening Committee and the marks secured by the additional third respondent in the initial interview were with reference to his credentials to the subjective satisfaction of the members of the Dealer Selection Committee and therefore, the allotment of the distributorship to the additional third respondent in preference to the petitioner based on the marks secured by the additional third respondent in the initial interview was wholly arbitrary, unreasonable and unfair.

6. The judgment is sought to be reviewed on the ground that evaluation of the merits of all the candidates applied for selection by the Screening Committee is part of the selection process and therefore, the Screening Committee was justified in revising the marks secured by the petitioner. The

additional third respondent had not raised such a ground at the time of hearing of the writ petition. Further, there is nothing on record to indicate that the Screening Committee is entitled to evaluate the merits of candidates who were not called for the interview before the Screening Committee. As such, the additional third respondent is not entitled to seek review of the judgment on that ground.

The review petition, in the circumstances, is devoid of merits and the same is, accordingly, dismissed.

Sd/-

THOTTATHIL B.RADHAKRISHNAN, JUDGE.

Sd/-

P.B.SURESH KUMAR, JUDGE.

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