

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.16793 of 2010

Date: 06-10-2015

Between:

D. Renuka

.... Petitioner

AND

Indian Oil Corporation Limited, represented by

Its General Manager, Himayath Nagar,

Hyderabad and 3 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.16793 of 2010

ORDER:

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Allotment of Petrol Out-let made to the 4th respondent is the subject matter of dispute in the present writ petition.

The case of the petitioner is that the Indian Oil Corporation Limited issued a paper notification on 19-12-2003 in Eenadu Telugu Daily inviting applications for allotment of retail out-let dealership at Yacharam, Nagarjunasagar Road, Ranga Reddy District under S.T. (Women) category. Pursuant to the said notification, the petitioner submitted her application along with all relevant documents including details pertaining to land, ownership, education qualifications consumption letters etc. It is stated that the petitioner was called for interview

on 11-02-2005 and the names of three candidates were empanelled in the merit list, out of which one M. Jayanthi got 58 marks, the 4th respondent got 58.7 marks and the petitioner got 51.7 marks. It is further averred that though the petitioner enclosed all the necessary documents including land documents with maps, survey numbers and measurements of different sites, no preference was given to her though the paper notification specifically says that the land owner would be given preference over others. Out of three candidates, the petitioner was the only one person who submitted ownership of the land as well as measurements of the land in two areas. It is further stated that the 4th respondent is an employee working as a Librarian in the State/Central Government and the 4th respondent does not fall in any one of the categories specified in clause (V) of the eligibility criteria. Though the petitioner made representations on 18-02-2015 and 18-12-2015, the respondent authorities neither considered the said representations nor gave any reply. Aggrieved by the said inaction, the present writ petition came to be filed.

The respondents filed their counter denying the allegations made in the writ affidavit. It is averred that pursuant to the notification dated 19-12-2003 issued for ST (W) category, interviews were conducted on 11-02-2015 and 12-02-2015 the 4th respondent was issued letter of intent on 23-10-2005 after the first candidate in the merit panel withdrew from the race and the petitioner was placed in the third position in the merit panel. It is to be noted that the Corporation itself procured a site at Yacharam through another advertisement, and developed the Retail outlet at Yacharam itself. After completion of the selection process, the Corporation issued an advertisement and procured land for the development of the retail outlet at Yacharam. The stand of the petitioner that she was not aware of the availability of the land has no bearing since the land was not needed for establishing the out let at Yacharam as the same was reserved for SC/ST category. It is further averred that the petitioner is aware of the procedure for awarding marks and the contents of the brochure are not different from the advertisement, but it only gives more details. It is further stated that the Corporation has developed the outlet at Yacharam after procuring the land through a public advertisement and the retail outlet was handed over to the 4th respondent, which was commissioned on 31-03-2010.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents 1 to 3.

In view of above rival contentions, the issue involved in the present writ petition is whether the petitioner is entitled for allotment of petrol outlet in the place of the 4th respondent?

As seen from the record, the petrol outlet was reserved for ST (Women) category and the petitioner as well as the 4th respondent have applied for allotment of such petrol outlet pursuant to the notification dated 19-12-2003. The petitioner and the 4th respondent attended the interview and a merit list of three candidates was displayed out of which one M. Jayanthi got 58 marks, the 4th respondent got 58.7 marks and the petitioner got 51.7 marks. It is to be noted that out of said three empanelled candidates, the candidate who stood in the first place in the merit panel withdrew from the race consequent upon which, the 4th respondent herein, who stood in the second place, was allotted the said petrol outlet. The rules and conditions of the notification show that in case of an outlet being given to a S.T. category, it is the responsibility of the company to establish its own petrol outlets after procuring the land and after establishing the out let, the same shall be given to the successful candidates/dealers on lease. When the company itself procures land to establish a petrol outlet, no preferential marks shall be given to the candidates, who furnished the land particulars for establishing an outlet. It is immaterial whether the applicant has land or not for allotment of outlet, as it is the responsibility of the company to procure sufficient land to establish an outlet and then hand over the same to the successful candidate. Though the letter of intent was given on 23-10-2005 to the 4th respondent, the fully developed retail outlet was handed over to the 4th respondent on 31-03-2010 and the same is being run by the 4th respondent. Hence, the argument of the learned counsel for the petitioner that no marks were allotted to the petitioner though she is having land sufficient for establishment of outlet cannot be accepted. Though the learned counsel for the petitioner relied on decisions reported in **V. Purushotham Rao v. Union of India and others, Common Cause, a Registered Society v. Union of India and others** and **Karnataka State Petroleum Dealers Welfare Association and others v. State of Karnataka**, I

am afraid that the above decisions are of no help to the facts of the present case. The learned counsel for the petitioner further stated that though within one month from the date of allotment, the petitioner complained to the authorities the irregularities committed in allotment of the outlet to the 4th respondent as per clause 18 (ii) of the conditions of the brochure, but, the material placed before the Court clearly shows that it was beyond the time prescribed. As stated earlier, the letter of intent was given in October 2005 and the complaint was given in the Grievance Cell in the month of December 2005, which is beyond the time fixed for lodging the complaint. It is to be noted though a complaint was given in 2005 itself, the same does not in any way refer to any of the grievances, which are now raised in the writ petition. It only refers to non-allotment of marks to the petitioner, which is not the subject matter in the writ petition. The ground raised by the learned counsel for the petitioner that the 4th respondent was a Government employee even on the date of allotment and that she is not entitled for allotment of petrol outlet in view of terms and conditions of the allotment letter was never raised in the complaint. Even otherwise, it is to be noted that the 4th respondent has resigned her job much prior to the date of allotment and there is no material to show that she was working as a Librarian on the date of application. Though the learned counsel for the petitioner raised issues with regard to inconsistencies in publication of the advertisement in the newspaper and issuance of brochure, I am afraid that the same cannot go to the root of the matter to disqualify the 4th respondent from allotment of the outlet.

Hence, this court is of the opinion that there are no merits in the writ petition, and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 06-10-2015

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