

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.15711 of 2015

BETWEEN

Smt. Narra Kranti.

... PETITIONER

AND

The Indian Oil Corporation Limited, Rep. by its Senior Regional Manager,
Warangal Divisional Office, Hanmakonda, Warangal District and another.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 21.08.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals? | No |
| 3. | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | No |

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ORDER:

Petitioner and the second respondent participated in pursuance of an advertisement issued by the first respondent corporation dated 21.10.2011 for establishment of retail petroleum outlet within 10 KM of Miryalaguda - Nagarjuna Sagar X Road towards Addanki on State Highway – 2, LHS, Nalgonda District . The interviews for selection were held on 05.10.2012 and on the comparative assessment of merit, petitioner is stated to have been placed at Sl.No.1 with 91.25 marks and the second respondent was placed at Sl.No.2. However, no letter of intent was issued to the petitioner whereupon she moved this Court in WP.No.28264 of 2014 wherein this Court was informed that a complaint against the petitioner was received from the second respondent and on account of pendency of investigation, the letter of intent was not issued. This Court, therefore, disposed of the writ petition on 20.09.2014 permitting the first respondent to complete the investigation within a period of three months and also directed

"If necessary before passing final orders, petitioner shall also be put on notice and be given opportunity of hearing and to place relevant material in support of his claim on record".

2. Petitioner alleges that contrary to the said order, the first respondent communicated letter dated 22.05.2015 revising the ranking between the petitioner and the second respondent and had put the second respondent at Sl.No.1 and the petitioner at Sl.No.2 by revising the marks awarded to the petitioner earlier. Alleging that the said exercise of revising the marks, as taken up by the first respondent, without notice to the petitioner is unjustified, the present writ petition is filed.

3. On finding, *prima facie*, that the petitioner was not put to notice of revised list, this Court issued notice before admission on 05.06.2015 and granted interim stay as prayed for. Subsequently, counter affidavits have been filed by respondents 1 and 2.

4. The first respondent stated in para 5 as follows:

“5. In reply to para 5, it is humbly submitted that the investigation officer from the respondent corporation informed the petitioner about his visit to the site and also his meeting with Roads and Buildings authorities of the Government.

The petitioner's father Sri Radhakrishna was informed about the reasons for issuing second merit panel. The petitioner therefore cannot claim that she had no information about the investigation and the process undertaken for investigation.”

The first respondent justifies the action on the ground that the survey of the petitioner's site was conducted and that petitioner's father himself was present and the said investigation is within the knowledge of the petitioner and his father was duly put to notice and states that there is no violation of the interim order.

5. The second respondent has also filed a counter affidavit justifying the revision of marks on the ground that the site offered by the petitioner was found to be near a culvert and hence, the marks awarded to the petitioner were reduced by 3.85 marks and therefore, the merit list was displayed placing the second respondent at Sl.No.1 and petitioner at Sl.No.2. In addition to that, a significant subsequent event was also mentioned in para 10 of the counter, which is extracted hereunder:

“10. In reply to Para 10, the impugned merit panel list is legal and in accordance with the rules and regulations of clause 10(C). That apart it is reliably learnt that the petitioner opted Essar retail outlet for the same site and Essar Energy has granted dealership to the petitioner and the petitioner has already started execution of the work for establishment of retail outlet on behalf of Essar Energy. That being so the petitioner filing the present writ is misconceived and abuse of process of law. The petitioner intentionally approached this court having obtained NOC from statutory authorities for establishment of Essar retail outlet in the same site / location. The petitioner only to damage the prospects of this respondent in business, adopted the illegal method of seeking stay of impugned merit list. Hence, this Hon'ble Court may be pleased to vacate the interim order dated 5.6.2015 which is extended further.

Else, this respondent will be put to irreparable loss and injury.

The photographs filed by this respondent substantiate the claim made by this respondent.”

6. After hearing all the learned counsel for the parties and after perusing the record, it appears to me that the order of this Court in the earlier writ petition, particularly, the portion highlighted above was not followed in letter and spirit by the first respondent.

However, in view of the subsequent event, no purpose would be served in further consideration of the writ petition inasmuch as the petitioner is already in the process of setting up a petroleum outlet of Essar energy at the same site as is evident from the no objection certificate issued by the revenue authorities with respect to the site proposed by the petitioner in Sy.No.59/E1 at Kistapuram Revenue village. The second respondent has produced letter of Essar energy together with a copy of the NOC issued by the District Collector dated 03.01.2015. The said subsequent event would show that the petitioner having been allotted a petroleum outlet at the same site, petitioner cannot be entitled to another petroleum outlet of the first respondent.

7. Learned counsel for the petitioner states that the site, which was offered to the first respondent and the site with respect to other petroleum outlet of Essar energy are located at different places.

8. Even then, it cannot be denied that both the sites are very close to each other and as such, even if the petitioner is assumed to be at Sl.No.1, petitioner cannot be allotted another petroleum outlet.

In the circumstances, therefore, in my view, no useful purpose would be served by requiring the first respondent to revise the list once again after notice to the petitioner. Since the principles of natural justice are not required to be followed in a straightjacket formula and since no purpose would be achieved by taking such recourse, the writ petition deserves to be dismissed.

The writ petition is accordingly dismissed in view of the subsequent event, recorded above. As a sequel, the miscellaneous applications, if any,

shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 21, 2015
DSK