

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 776 of 2010

ORDER:

-

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the letter issued by the respondents dated 11.12.2009, wherein and whereunder the candidature of the petitioner was held to be in-eligible for dealership, as illegal, arbitrary and violative of principles of natural justice.

The averments in the affidavit filed in support of the writ petition would show that, pursuant to an advertisement dated 03.02.009 published by the respondents' Corporation in the local newspapers inviting appointments for dealership in the respondents' Corporation at Rajolu Point, the petitioner applied for the same with all requisites. After duly verifying all the documents, a call letter dated 28.05.2009 was sent and the petitioner was interviewed on 18.06.2009. As per the merit list, the petitioner was placed on top of the list with highest marks. It is stated that though the petitioner stood first rank in the list, he received the letter calling for an explanation as to why he has not submitted a copy of the original affidavit. The petitioner submitted the explanation on 03.11.2009 giving reasons, but however stated that a Xerox copy of the affidavit was submitted along with the application. On 11.12.2009 the respondents sent another intimation stating that the petitioner has not submitted the original affidavit on the date of interview as such he is in-eligible for dealership. The letter dated 11.12.2009 was received by the petitioner on 21.12.2009. The averments in the affidavit further show that the petitioner herein sent

an affidavit dated 15.06.2009 but the authorities without taking the same into consideration rejected the request of the petitioner. Challenging the same the present writ petition is filed.

By an order, dated 11.02.2010, this Court observed that any appointments made would be subject to the result of writ petition. However on 04.03.2010 this Court dismissed the W.P.M.P.No.976 of 2010.

A counter came to be filed by the respondents disputing the averments made in the writ affidavit, but however admitted that the petitioner was called for interview basing on the material filed and after conducting the interview he was selected with highest number of marks. It is further stated that as on the date of interview, the petitioner failed to produce a fresh affidavit, which has to be executed three working days prior to the date of interview, and as such the petitioner is not entitled for the relief. They also admitted that by mistake they have interviewed and selected the petitioner.

It is not the case of the respondents that in the Xerox copy of the affidavit filed along with the application or in the affidavit sent subsequently there were any false declarations made either with regard to the property or status of the petitioner. It is also to be noted that till date no appointments were made with regard to the outlet to which the petitioner had made an application. It is true that the petitioner has not produced fresh affidavit at the time of interview, but the authorities after being satisfied with the contents of the documents filed along with the application, including the Xerox copy of the affidavit, called the petitioner for interview and selected him for running the outlet. Pursuant to a notice given, the petitioner is said to have sent an affidavit dated 15.06.2009, the original of which he could not place at the time of interview as it was not demanded by the interview committee even while conducting interview. Since the

outlet is not allotted to any other applicant and no notification was said to have been given for allotment of the outlet, it would be appropriate if the same is allotted to the petitioner, provided he satisfies all other requirements/conditions.

Having regard to the circumstances stated above, the writ petition is disposed of, directing the respondents' Corporation to allot the outlet to the petitioner, provided he fulfils all other requirements/conditions for grant of the outlet and if the same is not allotted to any other candidate till date. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

30.12.2015
gkv