

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2672 OF 2014

Prashant Mohan More .. Petitioner.
Vs.
Indian Oil Corporation & Ors. .. Respondents.

Mr. Shriniwas S. Patwardhan for the Petitioner.
Ms. Tanmayi Gadre with Mr.Jayesh Mestry i/b RMG Law Associates
for the Respondent No.1.
Ms. Tanaya Goswami i/b Mr.Mandar M. Goswami for the Respondent
No.2.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 24TH APRIL, 2017

P.C.

1. Heard learned counsel appearing for the petitioner and learned counsel appearing for the first and second respondents.

2. On the basis of an advertisement published by the first respondent for appointing the service providers for providing service for Corporation Owned Corporation Operated (COCO) outlet at Rajputwadi, Taluka Karveer, District Kolhapur, the petitioner made an application. According to the case of the petitioner, after he was interviewed, he was assigned 95.33 marks out of 100. The second respondent secured 94.33 marks out of 100 and the third respondent

did not turn up for the interview. According to the case of the petitioner, his case was recommended for appointment as the service provider for the retail outlet of the first respondent.

3. The prayer in this petition under Article 226 of the Constitution of India is for challenging the communication dated 19th December, 2015 by which empanelment of the petitioner was cancelled. There is a reply filed by Suresh Dhuri, Manager (Retail Sales) of the first respondent. In the reply, it is pointed out that the Experience Certificate relied upon by the petitioner is not proper. The Experience certificate was issued by one M/s.Sonhira Petroleum that the petitioner was working as a Manager from June 2009 to June 2012. It is stated that the said M/s.Sonhira Petroleum became a dealer of the Bharat Petroleum Corporation Limited only on 22nd December, 2009 and till that date, the said firm was not even a dealer for the petroleum products. CST and VAT registrations of the said firm is from 31st December, 2009 as can be seen from the Cash Memo/Receipt. It is further stated that only one candidate was found to be qualified. It is stated that after canceling the empanelment of the petitioner, one Shri Rahul Vishnupant Badwe (the second respondent) is declared as a successful candidate and LAO has been issued to him on 3rd January, 2014. Learned counsel appearing for the first respondent, on instructions, states that the said person is already carrying on business.

4. The impugned communication records that experience certificate produced by the petitioner of M/s.Sonhira Petroleum recorded that the petitioner worked as a Manager from June 2002 to July 2012. However, the dealership of Sonhira Petroleum commenced from December 2009. Hence, the contents of the experience certificate produced by the petitioner were found to be untrue. We find that M/s.Sonhira Petroleum submitted documents (Page 85 and 86) showing that its dealership of retail outlet commenced on 29th December, 2002 and not from June 2002. The cash memo issued by the said firm, a copy of which is annexed to the reply shows that the VAT and CST registration of the said dealer is of 31st December, 2009.

5. Hence, no case for interference under Article 226 of the Constitution of India is made out. Hence, the petition is dismissed.

(A.K. MENON, J.)

(A.S. OKA, J.)