



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **13.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.A.(MD)No.1395 of 2016

and

C.M.P.(MD)No.10313 of 2016

N.Ramya

: Appellant

Vs.

1.The Territory Manager (LPG),
Bharat Petroleum Corporation Limited,
LPG Territory / Plant,
MGM TB Sanitorium Post Office,
Sengipatti,
Thanjavur - 613 401.

2.The Distributor Selection Committee for
LPG Distributorship,
Bharat Petroleum Corporation Limited,
MGM TB Sanitorium Post Office,
Sengipatti,
Thanjavur - 613 401.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, praying to set aside the order passed by this Hon'ble Court in W.P.(MD)No.2108 of 2012 dated 06.04.2016 and allow the same.

Prayer in WP(MD). 2108/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an order order in the nature of writ of certiorari calling for the records relating to the impugned order passed by the 1st respondent in his proceedings TNJ:LPG: Thiruvarambur dated 16.02.2012 and quash the same as illegal and without jurisdiction .

For Appellant

:Mr.B.Saravanan

For Respondents

:Mr.Natesaraja

JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

The appellant, when made an application for LPG Distributorship, was interviewed on 09.11.2011. She was also short-listed as No.1 in the merit panel. One of the condition pre-requisite is that a candidate should have got atleast one year of prior experience. The appellant produced an appointment order



dated 14.03.2006, from M/s.Sun Electronics, to show the factum of prior experience. According to her, she was working in the said concern for four years.

2.A field verification was done by the Field Verification Committee, which found that the certificate issued, cannot be relied upon as M/s.Sun Electronics, though, admitted the letter of appointment having been issued by them, was unable to produce any document to substantiate the factum of employment. The appellant was also asked to produce the materials for the aforesaid purpose. Even the appellant has feigned her inability to produce any document. The Income Tax Returns filed by her in the relevant years also would show that no income from the salary has been mentioned. Accordingly, it was quoted by the impugned order that the appellant does not have experience as mandatory under Column No.12 of the application. Accordingly, the appellant's candidature was rejected by the impugned order.

3.The learned Single Judge has dismissed the writ petition by accepting the case of the respondents. Challenging the same, this appeal has been filed. The learned counsel for the appellant would submit that what is required is the evaluation by the Committee as against the actual experience.

4.There is no dispute that the certificate is true and genuine. For the non-production of the documents by the erstwhile employer of the appellant, reliance has been made on the judgment of the Hon'ble Supreme Court in the case of **Sajeesh Babu.K Vs. N.K.Santhosh and Others** reported in (2012) 12 SCC 106.

5.The learned counsel for the respondents has rightly pointed out that no malafide has been alleged on the verification made by the Committee and thereafter, the findings rendered by it. The case reminds that the erstwhile employer has not produced any document and so, is the case of the appellant.

6.Strangely, the Income Tax Returns does not disclose the salary having been received by her. The application mandates a prior experience of one year. Thus, when the certificate goes, the appellant would automatically be ineligible.

7.In such view of the matter, this Writ Appeal stands dismissed. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /



To

+1cc to MR.S.NATESARAJA, Advocate SR.No.65448

+1cc to MR.B.SARAVANAN, Advocate SR.No.65851

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MR

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