

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.25137 of 2016 (O&M)
Date of Decision.07.03.2017

Smt. Kanchan Bala

.....Petitioner

Vs

Bharat Petroleum Corporation Limited and another

.....Respondents

Present: Mr. Raman B. Garg, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

C.M. No.3308 of 2017

Application is allowed.

Corrected copy of result sheet is taken on record as Annexure
P-1.

CWP No.25137 of 2016

The petitioner is aggrieved of the impugned letter dated 16.11.2015 (Annexure P-7) whereby he had been communicated that he has had not been able to secure 60% of qualifying marks out of 100 for the purpose of allotment of a retail outlet.

Mr. Raman B. Garg, learned counsel appearing for the petitioner had drawn attention of this Court to letter dated 09.02.2012 (Annexure P-2) to submit that Bharat Petroleum Corporation Ltd (hereinafter called as "BPCL") is aware of the fact that in Talwara Township of District Hoshiarpur, M/s Bhakra Beas Management Board (BBMB) is owner of the land on both side of the road and property of the petitioner could not be private land, resultantly, could not qualify. The

land and the valuation should have been done out of 65 marks and therefore, the petitioner having attained 53.2 marks is qualified for allotment.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit in the submission of Mr. Garg, for, the application of the petitioner has already been considered for allotment by the authorities below and they have found of not having obtained the qualifying marks by the petitioner. This Court cannot direct the BPCL for reconsideration of the marks by taking the total marks 65 instead of 100. It is within the domain of BPCL to fix the criteria. The criteria cannot be tinkered with. No other point for alleged non consideration has been raised in the present writ petition.

Even the order under challenge is dated 16.11.2015 whereas the petitioner has approached this Court in the writ petition on 7.11.2016. I called upon Mr. Garg to apprise this Court as to whether fresh advertisement inviting the application for allotment of outlet has been published or not, the answer, on instructions from his client, is that no such advertisement for allotment has been done. Perhaps the authorities realized regarding non-availability of land by private individuals.

No ground for interference is made out. The writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

March 07, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No