

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.2836 of 2006**

Smt. Neeta Rai, W/o Sri R.K. Rai, R/o Dawada Colony, Raipur,
District Raipur (C.G.)

---- Petitioner

Versus

1. Hindustan Petroleum Corporation Ltd. (A Govt. of India Enterprise)
Regd. Office 17, Jamshed Ji Tata Road, Mumbai – 400 020.
2. The Regional Manager, Madina Manjil, II Floor, Medical College
Road, P.B. No.129, Raipur (C.G.)
3. Santosh Kumar, C/o Regional Manager, HPCL, Madina Manjil Road,
II Floor, Medical College Road, P.B. No.129, Raipur (C.G.)
4. Union of India through Ministry of Petroleum and Natural Gas, New
Delhi.

---- Respondents

For Petitioner	:	Mr. Jitendra Pali, Advocate.
For Respondents No.1 & 2	:	Mr. Ali Asgar, Advocate
For Respondent No.3	:	None.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27/02/2018

1. Heard.
2. Learned counsel for the petitioner submits that respondent No.3 has been selected as retail outlet dealer of the Hindustan Petroleum Ltd. (for short the 'HPCL') at Gunderdehi, District Durg ignoring the petitioner's merit whereas the petitioner is more meritorious than respondent No.3. As such, more marks have been awarded to respondent No.3 than the petitioner as she has no experience.
3. Learned counsel for respondents No.1 & 2 would support the impugned order.

4. I have heard learned counsel for the parties and perused the record with utmost circumspection.
5. The petitioner as well as respondent No.3 both have participated for interview and the interview committee consisted of three members i.e. Senior Regional Manager, Manager, Net Work Management and Deputy Manager, Finance had conducted their interview on 09-11-2005 and awarded Six marks to respondent No.3 towards experience and zero marks to the petitioner.
6. It is well settled that the writ Court cannot sit over the decision of the selection committee for awarding marks. The Supreme Court in **Madan Lal & others vs. State of J & K and Others;** reported in **(1995) 3 SCC 486** held in para 10 as under:

“Therefore, the result of the interview test on merits cannot be successfully challenged by a candidate who takes a chance to get selected at the said interview and who ultimately finds himself to be unsuccessful. It is also to be kept in view that in this petition we cannot sit as a court of appeal and try to reassess the relative merits of the candidates concerned who had been assessed at the oral interview nor can the petitioners successfully urge before us that they were given less marks though their performance was better. It is for the Interview Committee which amongst others consisted of a sitting High Court Judge to judge the relative merits of the candidates who were orally interviewed, in the light of the guidelines laid down by the relevant rules governing such interviews. Therefore, the assessment on merits as made by such an expert committee cannot be brought in challenge only on the ground that the assessment was not proper or justified as that would be the function of an appellate body and we are certainly not acting as a court of appeal over the assessment made by such an expert committee”.

7. In the matter of **Sanjay Kumar Shukla vs. Bharat Petroleum Corporation Limited and Others**; reported in **(2014) 3 SCC 493**, the Supreme Court has observed in para 19 as under:

“We have felt it necessary to reiterate the need of caution sounded by this Court in the decisions referred to hereinabove in view of the serious consequences that the entertainment of a writ petition in contractual matters, unless justified by public interest, can entail. Delay in the judicial process that seems to have become inevitable could work in different ways. Deprivation of the benefit of a service or facility to the public; escalating costs burdening the public exchequer and abandonment of half completed works and projects due to the ground realities in a fast-changing economic/market scenario are some of the pitfalls that may occur.”

8. Following the principle of law laid down in **Madan Lal & others** case (supra), it is upto the Committee who interviewed the petitioner as well as respondent No.3 to award the marks in the interview test i.e. six marks to the respondent No.3 and zero marks to the petitioner by the selection committee upon evaluation of their merit and it cannot be challenged by the petitioner and this Court would not sit over that decision as appellate authority and try to reassess the marks given by the selection committee, also for the reason that after selection which has already been taken place of respondent No.3 dealership and agreement has already been fully executed which has even not been challenged.

9. In view of above, I do not find any ground to interfere with the orders of selection committee, therefore, the instant writ petition is dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Kvr