

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2018

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No. 6976 of 2009 and M.P.Nos 1 & 2 of 2009

P. Malathi

...Petitioner

.Vs.

1. The Manager,
Bharat Petroleum Corporation Ltd.,
LPG Bottling Plant,
P.B.No. 1644, Peelamedu,
Coimbatore - 641 004.
2. The Manager,
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan,
4/6, Khareembhai Road,
Balled Estate, P.B.No.688,
Mumbai.
3. The Distributor Selection Committee,
Bharat Petroleum Corporation Ltd.,
LPG Bottling Plant, P.B.No. 1644,
Peelamedu, Coimbatore - 641 004.
4. P. Banumathi, W/o Senthil Kumar,
109, Karur Main Road, Mulanur,
Dharapuram Taluk, Erode District.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned Final Mark sheet issued by the 3rd respondent dated 28.02.2009 and quash the same and consequentially direct the respondents 1 to 3 to conduct a fresh interview for Domestic LPG Distributorship at location of Mulanur, Erode District.

For Petitioner	:Mr.R.Babu for Mrs.Indumathi
For Respondents 1 to 3	:Miss. Geethiaro for M/s.S. Ramasubramaniam Assts.
For Respondent 4	: Notice Served(No Appearance)

ORDER

The petitioner namely one Malathi has filed this writ petition for a certiorarified mandamus to quash the impugned final mark sheet, issued by the third respondent dated 28.02.2009 and consequently direct the respondents 1 to 3 to conduct fresh enquiry for Domestic LPG Distributorship at location of Mulanur, Erode District.

2.The petitioner is a physically handicapped person who had completed her B.A. Degree at Government Arts College. It is the case of the petitioner that after going through the advertisement of the first and second respondent dated 06.02.2008, in the News paper for awarding Domestic LPG Distributorship she had applied for the same under the category of Physically handicapped- women(PH-W) in the place of Mulanur.

3.As per the said advertisement, the petitioner attended the interview and marks have been allotted under various categories. As per the guidelines prescribed for one category wherein for applicants who had deposited more than Rs.10 lakhs, 18 marks will be awarded given and in another category, if the Fixed Deposit is more than Rs.20 lakhs, 23 marks will be awarded. The petitioner attended the interview before the first respondent on 28.02.2009 and he had been instructed to deposit Rs.20,00,00/- by way of fixed deposit Viz., FDR 23/201 and 23/202 and the petitioner had deposited the amount on 07.03.2009 in Central Bank of India, Dharapuram Branch which should be renewed up to 01.03.2009. As per the said instructions, she is entitled to get 23 marks under the Fixed Deposit - 18 marks and Other Sources of Income - 5 (18 + 5 = 23). In the said interview, the third respondent had not awarded any mark for the said Fixed Deposit of Rs.20,00,000/- but awarded only 0.6 marks instead of awarding 5 marks under the category of other sources of income.

4.Aggrieved over the act of not awarding the marks properly the petitioner had sent a representation on 20.03.2009 to conduct fresh enquiry in the place of mulanur. Even though the first respondent has received the said representation on 21.03.2009, it has not been considered and no action was taken for non awarding the marks, which is illegal and non application of mind. Hence, the petitioner has filed this writ petition to quash the impugned final marks and to direct the respondents 1 to 3 to conduct a fresh interview.

5.The learned Counsel for the petitioner would contend that the petitioner had gone through the advertisement brochure wherein guidelines were issued for awarding marks. It could be clear from the statement of final mark sheet published by the 3rd

respondent dated 28.02.2009, that the petitioner was awarded only 64.43 marks and she was placed in 11th rank. The petitioner's grievance is that the allocation of marks in respect of the norms fixed has not been adhered. The 4th respondent, who has been allotted the said LPG distributorship was awarded with 94 marks.

6. The learned Counsel for the respondents 1 to 3 has pointed out the brochure for selection of LPG distributorship, which clearly shows that Fixed Deposits/ Bonds/ Shares/ any other investments in the name of his or her family members should be prior to the date of advertisement and if the deposit was prior to the date of advertisement, the same 18 marks was awarded. It is the further contention by the learned counsel for the respondents 1 to 3 that the petitioner herein had deposited a sum of Rs.20,00,000/- in the fixed Deposit only on 07.03.2008 in the Central Bank of India, Dharapuran. Since, the deposit was made after calling for the applications, the petitioner was not awarded any marks under the category of fixed deposit and she was placed in the 11th place in the final mark sheet.

7. It is seen from the documents filed in support of the writ petition that the petitioner had deposited Rs.10,00,000/- (Ten lakh only) on 07.03.2008 i.e after the date of calling for the application. It is seen from the brochure that the respondents 1 to 3 have allotted the marks as per the guidelines prescribed therein. It could be seen that the petitioner has failed to make note that the allotment will be made as per the norms stipulated in the brochure para No.14.3 regarding the allocation of marks on various heads.

8. Hence, in view of the above condition, it is clear that the petitioner was not allotted the said dealership since, she was not qualified and was placed only in the 11th place and only 0.6 marks was awarded. Since, she has not deposited the amount of Rs.20,00,000/- within the prescribed time and the allotment was made only on the above said conditions which is correct, this Court is not inclined to interfere in the selection of dealership by the proprietor.

9. In view of the above circumstances, this Court rejected the claim of the petitioner and dismisses this writ petition. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Manager,
Bharat Petroleum Corporation Ltd.,
LPG Bottling Plant,
P.B.No. 1644, Peelamedu,
Coimbatore - 641 004.

2. The Manager,
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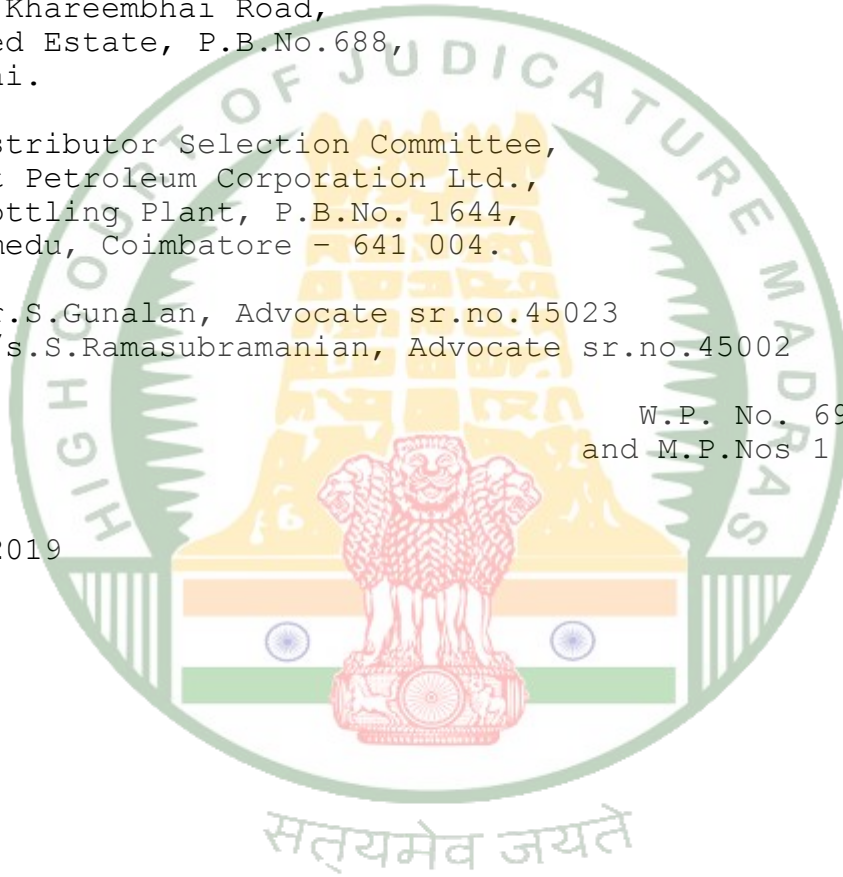
3. The Distributor Selection Committee,
Bharat Petroleum Corporation Ltd.,
LPG Bottling Plant, P.B.No. 1644,
Peelamedu, Coimbatore - 641 004.

+lcc to Mr.S.Gunalan, Advocate sr.no.45023

+lcc to M/s.S.Ramasubramanian, Advocate sr.no.45002

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