

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.19826 of 2011

ORDER:

The relief sought for in this Writ Petition is for a mandamus to declare the order issued by the 2nd respondent dated 05.05.2011, cancelling the selection of the petitioner for the retail outlet dealership for Kethepally on NH-9, Nalgonda District, as arbitrary, illegal and in violation of principles of natural justice.

By the aforesaid proceedings dated 05.05.2011, the petitioner was informed that he was the first empanelled candidate; based on the selection, a field investigation was conducted on 11.03.2011; during the said process, it was observed that the bank balance, mentioned by the petitioner, was at variance with those reflected in his application; as against the balance of Rs.10,00,500/- stated in the application, the documents obtained during the field investigation process indicated that the balance was only Rs.692/-; this tantamounted to misrepresentation of facts; and as per the conditions stated in the advertisement, for selection of retail outlet dealership, dated 23.10.2010 the candidature was liable for cancellation in case of misrepresentation of facts.

In the counter-affidavit, filed on behalf of the respondents, it was stated that the petitioner had submitted his financial status by way of a bank statement annexed to the application dated 22.11.2010; according to the said statement, the petitioner had Rs.10,00,500/- in his bank account as on 25.09.2010; the said entry, in the said statement of account, was the last entry; it is based on this entry in his bank account was he awarded marks;

and, thereafter, on his empanelment and on investigation being caused, the bank account revealed that the petitioner had only Rs.692/- as on the date of submission of his application i.e. 10.12.2010; and the Corporation had cancelled the petitioner's empanelment, invoking Clause 10(h) of the Advertisement dated 23.10.2010, for furnishing false and incorrect information.

The petitioner was held disentitled from being considered in the process of selection for having misrepresented the facts regarding the balance amount in his bank account. The order of rejection was passed on 23.10.2010, more than 7 years ago. No interim order was passed preventing the respondents from appointing another retail outlet dealer.

Sri P.Prabhakar, Learned Counsel for the respondents, would submit that the Corporation has already appointed another retail outlet dealer, and he is carrying on operations ever since. I see no reason, at this length of time, to interfere with the selection process, more so as the petitioner's candidature was rejected for misrepresentation of material facts.

The Writ Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:29-03-2018.
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