

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.34190 of 2011

ORDER:

The petitioner seeks Writ of Mandamus declaring the action of the respondent in rejecting the petitioner's application for dealership of petrol//diesel retail outlet at Sirisapally Cross Road, Jemmikunta Mandal, Karimnagar District as illegal and arbitrary and set aside the proceedings No.SDO/New KSK ADVT-19.09.11 dated 20.12.2011 issued by the respondent and consequently direct the respondent to consider the petitioner's case for the aforesaid dealership.

2) Petitioner's case is that pursuant to paper notification dated 19.09.2011 issued by the respondent, inviting applications for setting up petrol/diesel retail outlet of IOC at Sirisapally Cross Road, he submitted his application enclosing required documents. However, the petitioner received letter dated 20.12.2011 from the respondent rejecting his application for non-submission of residence certificate as per format. The petitioner approached the respondent and requested to consider his candidature. However, without considering his request respondent started proceeding with further process of selection.

Hence, the instant writ petition.

3) This Court passed interim order dated 27.12.2011 in W.P.M.P.No.42556 of 2011 directing the respondent to file counter affidavit within four weeks and in the meanwhile, if any further selection process, including interviews, are contemplated by the respondent with regard to the

retail outlet in question, the petitioner may also be permitted to interview without prejudice to the respondent's claim and subject to further orders of the Court.

4) When the matter came up for hearing, learned counsel for petitioner would submit that instead of submitting residence certificate as mentioned in the notification, petitioner submitted Nativity certificate issued by the Tahsildar, Jammikunta. Therefore, his application was rejected and thereafter, by virtue of interim order in W.P.M.P.No.42556 of 2011 dated 27.12.2011 the petitioner was permitted to appear in the selection process. Learned counsel would further submit that in fact only two candidates viz. Ganishetti Shashikala and petitioner appeared for selection process wherein the petitioner secured more marks than her and therefore the respondent—Corporation ought to have allotted petrol/diesel retail outlet by instructing the petitioner to produce residence certificate. When respondent did not adopt the said course, the petitioner submitted a representation in the month of September, 2017 to the respondent to consider his candidature for allotment of retail outlet dealership by enclosing his residence certificate. Though the authorities received the said representation no order is passed yet.

5) Learned Standing Counsel for respondent—Corporation would submit that in case the petitioner submitted a representation in September, 2017, the authorities would consider and pass appropriate orders and to that effect a direction may be given.

6) Recording the above submissions, this writ petition is disposed of directing the respondent to pass an appropriate order in accordance with law on the representation dated Nil-09-2017 made by the petitioner, within four weeks from the date of receipt of a copy of this order. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 11.10.2018
Murthy

