

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition No.17373 of 2011

ORDER:

The petitioner seeks a Writ of Mandamus declaring the action of respondents in rejecting the petitioner's application for allotment of dealership of KSK Petrol Pump of Kothapally Cross Roads, Karimnagar, under open (Women) category as illegal and arbitrary and set aside the impugned proceedings No.SDO/KSK/Advt/Int, dt.06.06.2011 and consequently direct the respondents to allot the dealership in the aforesaid Petrol Pump to the petitioner.

2) Petitioner's case in nutshell is that in response to the notification dated 25.06.2010 issued by the 1st respondent for appointment of dealer for its retail outlets (KSK Petrol Pump) Kisan Seva Kendra, the petitioner submitted the duly filled application enclosing all the necessary documents and also necessary D.D. Petitioner was hoping that her application would be accepted and she would be called for interview which was going to be held on 23.06.2011 but to her dismay the respondents sent impugned proceedings dated 06.06.2011 rejecting her application on the ground that "*application was not signed by the candidate*". The said proceedings are factually incorrect and rejection of her application on the ground that she has not signed on the application is purely intended to disable her from attending the interview and thereby denying the opportunity to compete for dealership of Petrol Pump. The

petitioner avouches that she signed on all the pages of the application and hence rejection of her application is illegal.

Hence the writ petition.

3) Respondents filed counter opposing the writ petition. The respondents denied that the petitioner submitted duly filled and signed application. It is contended that the petitioner has sent the application without her signature at the end of the application and at the specified space provided for the signature in the application. The applicant has not signed at the end of the application where an undertaking column under Serial No.17 was provided but she signed beneath the application form which would not give any effect to the details of the application. It is further contended that selection of KSK dealership is a three tier procedure wherein the Land evaluation committee will decide the marks in respect of the land and level-1 committee will scrutinize the documents and allot marks and interview committee will carry out personal interview and award marks. The visiting of the petitioner's site has no bearing on the rejection of application since the application was rejected on the ground that the said application was not endorsed with her signature. The application was rejected as per the policy that was adopted by the Corporation under selection brochure. Clause-10 of the brochure shows that the application can be submitted on the plain paper in the prescribed format as mentioned above. Hence the rejection of the petitioner's application dated 06.06.2011 is justified and no malafides can be attributed for such rejection. It is further contended that the

proposed interview for the location was postponed and the subsequent date for interview to be held would be communicated and for the same the petitioner also would be called for interview as per the interim directions of this Court. Thus the respondents prayed to dismiss the petition.

4) It should be noted that in W.P.M.P.No.20887 of 2011, this Court on 22.06.2011 passed an interim order directing the respondent to allow the petitioner to appear for the interviews proposed on 23.06.2011 subject to further orders by this Court.

5) Heard arguments of Sri K.Vasudeva Reddy, learned counsel for petitioner. There is no representation for respondents.

6) As can be seen from the respective pleadings, while the petitioner claims that she has duly filled the application and signed on all the pages and submitted to the respondent-authorities, the respondents contend that the petitioner has not signed on the application at the specified place but she signed at the bottom of the application, which will not give effect to the application. The petitioner along with material papers produced the copy of the application styled as “Application for IOC Retail Outlet (KSK-Petrol Pump) Dealership”. A perusal of the application shows that the petitioner affixed her photograph and duly filled her application giving the necessary details as per the specifications. However, as rightly contended by the respondents, she signed at the bottom of every page and so far as Column No.17 is concerned, she has not signed above her name

but she has signed at the bottom of that page. In the considered view of this Court, the said mistake is a minor one and by that count her application need not be discarded. This Court has already given interim direction to allow the petitioner to appear for interviews proposed to be held on 23.06.2011 subject to further orders of this Court. The counter of respondents would show that the proposed interview for the location was postponed and subsequent date of interview would be communicated to the petitioner.

7) Having regard to the above facts, the Writ Petition is disposed of with a direction to the respondents to accept the application of the petitioner and call her for interview whenever the date of interview is fixed by making prior intimation to the petitioner. No costs.

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

U. DURGA PRASAD RAO, J

Date: 04.10.2018

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