

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 3483 OF 2015

...
 Mr. Shirang Lakshman Lande Patil ...Petitioner
 V/S
 Bharat Petroleum Corporation Ltd. And Anr.Respondents
 ...
 Ms Harshalata Patil i/by Mr Manoj Mohan Gadkari for the Petitioner.
 Mrs Purnima Awasthi for Respondent No.2 UOI.

...
CORAM : A.A. SAYED &
RIYAZ IQBAL CHAGLA, JJ.

DATED : 8 APRIL 2019**P.C.:**

The Petitioner has filed this Petition seeking the following reliefs:

“(a) issue an appropriate writ, order or direction quashing the impugned selection of Respondent No.3 for running the Respondent No.1's COCO Retail Outlet at RTO, Pune and further quashing and cancelling the selection process held on 14-05-2014;

(b) issue an appropriate writ, order or direction to the Respondent No.1 for holding the selection process a fresh in respect of running its COCO at RTO, Pune;”

2. It is urged by the learned Counsel for the Petitioner that the Petitioner was at No.3 on the merit list. However, the Respondent No.3 was appointed as Service Provider for operating Company Owned

Company Operated (COCO) Retail Outlets of the Respondent-Corporation.

3. In the selection procedure, the criteria for evaluation of the Service Provider was set out in clause (1), which reads thus:

“1. Criteria for Evaluation of Service Provider

Whether sponsored or otherwise, the eligible applicants will be interviewed based on the following evaluation parameters,

Criteria	Weight-age
Experience of deploying/ controlling manpower	40
Experience in providing services in specific sector	20
Financial capability	20
Age	10
Personality	10
Total	100

4. The Petitioner obtained a total of 89.67 marks, whereas the Respondent No.3 obtained a total of 90.18 marks. The other candidates are given less than 78 marks.

5. The contention of the learned Counsel for the Petitioner is that the selection process was arbitrary and had the Petitioner procured more marks in the interview, the Petitioner would have been selected.

6. In our view, the Petitioner having participated in the process of selection is deemed to have knowledge of the procedure of selection and having not been selected cannot now challenge the selection process. Moreover, we find that the appointment of the Respondent No.3 was made in the year 2014 and the Petition was filed in the year 2015 and there was no ad-interim/interim order obtained in the Petition.

7. In the circumstances, we find that this is not a fit case to exercise extraordinary writ jurisdiction of this Court.

8. The Writ Petition is accordingly dismissed. No costs.

(RIYAZ IQBAL CHAGLA,J.)

(A.A.SAYED, J.)