

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

LPA No. 1284 of 2019 (O&M)

Date of Decision: 12.07.2019

Renu Goyal

.....Appellant

versus

Indian Oil Corporation Limited and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Ashwani Talwar, Advocate, for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (oral)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 01.05.2019 passed by the learned Single Judge dismissing the writ petition filed by the appellant seeking a writ of certiorari to quash the re-evaluation carried out by the respondents and also the consequential action of issuing the Letter of Intent (LoI) dated 15.11.2013 in favour of the contesting respondents. A further writ of mandamus was claimed to command the respondents to restore the earlier re-evaluation and allot the outlet in question to the appellant-petitioner.

2. Undisputed facts giving rise to the dispute can be summarized as under:-

In pursuance to an advertisement issued by the respondent-corporation dated 13.08.2011 inviting applications for appointment of dealers for Kissan Sewa Kendar (Retail outlets), the petitioner-appellant along with others was an applicant for allotment of one such outlet situated in village Khanak, Khanak-Pinjokhara road, District Bhiwani, in the open category. The outcome of the evaluation carried out by the respondent-corporation was declared on 22.05.2012 wherein the appellant-petitioner having secured 84.58 marks out of the maximum 100 was placed at Sr. No.1 in the merit-list and respondent No.4 Manoj Kumar with 80.75% was placed at 2nd position. After declaration of the result the documents submitted by various candidates were sent for verification. The certificate of residence submitted by the appellant-petitioner was sent to Tehsildar, Charkhi-Dadri for verification. It is alleged that Tehsildar vide letter dated 06.06.2012 sent the requisite confirmation. It was further pleaded in the writ petition that in March-2013 some of his family members while going through the website of the official respondents noticed that they had published a revised result based on re-evaluation wherein the marks awarded to respondent No.4 Manoj Kumar were revised to 90.25 and thus he secured first place in the merit list and accordingly the Letter of Intent for grant of retail outlet was issued in favour of respondent No.4 on 15.11.2013. It is further alleged that after attaining the knowledge of the aforesaid fact, the petitioner made various complaints/communications to the various authorities of the respondent-corporation raising objection with respect to the revised result.

3. The proceedings were contested by the respondent-corporation by filing the written statement *inter-alia* pleading that on receipt of the complaint of respondent No.4 one Vinod Kumar, Senior Manager (CS) was appointed as the Investigator and a committee of three members was

constituted to look into the complaint. The committee after considering the entire facts and circumstances made a recommendation that respondent No.4 was wrongly awarded 23.75 marks under the heading of capability to provide land and infrastructure whereas he was entitled to be awarded 33 marks in the said category. The respondent corporation after considering the report and the entire record accordingly revised the result and respondent No.4 was placed as first empanelled candidate. The information of the revised result was duly communicated to the petitioner vide registered post dated 26.03.2013. The respondent-corporation further pointed out before the learned Single Judge that during the second round of evaluation it was noticed by the corporation that respondent No.4 had a clear title of the land in question on the basis of the sale deed dated 29.08.2011 executed in his favour setting out the dimensions of the land. Respondent No. 4 had also filed before the respondent-corporation affidavits of the co-owners alongwith their consent and report of the Patwari dated 05.09.2011 which clearly goes to show that the plot was demarcated in respect of the area offered for establishing the retail outlet. It was for this reason that the earlier result was revised after correcting the mistake in awarding the marks to respondent No.4 under the said head.

4. The proceedings were also contested by respondent No.4 before the learned Single Judge pointing out that the Residence Certificate dated 08.09.2011 submitted by the appellant-petitioner issued by Tehsildar, Ambala certifies that she is simply resident of Charkhi Dadri, District Bhiwani without even disclosing the address. The reliance was also placed on the ration card of the appellant-petitioner obtained under the Right to Information Act which demonstrated her address to be House No. 65, Ward No.22, District Hisar. Learned Single Judge has taken note of the fact that

veracity of the ration card filed by contesting respondent No.4 was neither challenged by the appellant-petitioner nor it was denied.

5. Analyzing the aforesaid facts and circumstances the learned Single Judge dismissed the writ petition filed by the appellant.

6. Having carefully gone through the pleadings and in the facts and circumstances noticed hereinabove, we see no reason to take a view different from the one taken by the learned Single Judge. The appeal is thus devoid of merits and accordingly stands dismissed. Civil Miscellaneous Application No. 2781-LPA of 2019 filed by the appellant also stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

12.07.2019
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√