

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

**CWP-17382-2018 (O&M)
Date of decision : 29.04.2019**

Rajender Kumar Kairon

...Petitioner

Versus

Hindustan Petroleum Corporation Ltd. and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas Chaudhary, Advocate,
for Mr. Anil Malik, Advocate,
for the petitioner.

Mr. Raman Sharma, Advocate,
for the respondents.

JITENDRA CHAUHAN J. (ORAL)

This writ petition under Articles 226/227 of the Constitution of India has been filed seeking directions to the respondent to conduct re-interview for allotment of retail outlet dealership at Village Deoban, District Kaidhal under the open category.

It is contended that the respondent-company advertised on 30.04.2010 for allotment of various retail outlet/dealership and the petitioner being fully eligible, applied for the same. The interview for the retail outlet in question was held on 10.08.2010, wherein, the petitioner also participated.

However, to the utter shock of the petitioner, one Sunil Kumar was shown at serial No.1, whereas, the petitioner was shown at serial No.2. Aggrieved against the action of the respondents, the petitioner submitted a detailed complaint dated 06.09.2010, raising various issues. The complaint so made was disposed of which was communicated to the petitioner vide letter dated 01.12.2010, stating therein that on re-evaluation, the petitioner was awarded four additional marks and his total marks after revision were 63.5, however, the marks of the selected candidate Sunil Kumar were still higher and thus, complaint was ordered to be filed. Thereafter, vide letter dated 30.08.2012 (Annexure P-1), issued by respondent No.2, it was informed that on the basis of scrutiny of documents, the score of said Sunil Kumar was reduced to 57.4 from 80.4 and in this manner, the petitioner had secured highest marks, yet a fresh selection was to be made. Feeling aggrieved, the petitioner approached this Court by way of filing CWP-24031 of 2012, against the decision of the respondents to conduct fresh selection process. Meanwhile, Sunil Kumar also preferred CWP-1825-2013, challenging non-allotment of retail outlet dealership to him on the ground that his land was not found suitable. Both the writ petitions were dismissed vide common judgment dated 17.10.2016 (Annexure P-2). In LPA No.1177 of 2017, preferred by the petitioner, the Division Bench vide judgment dated 01.09.2017 upheld the view taken by the Single Bench that the Company was well within its rights to hold re-interview afresh of the same candidates who had earlier appeared in the interview.

The precise grouse of the petitioner is that CWP-24031-2012 preferred by him was dismissed on the ground that the company will conduct re-interview only of the candidates who had earlier appeared in the interview but till date, no re-interview has been fixed by the company.

Learned counsel for the respondents submits that the company holds the rights whether to proceed with the selection of any particular location or not. During the interregnum period, the Ministry of Petroleum and Natural Gas, Government of India has evolved a new selection process in August 2013, whereby, certain criteria has been altogether changed including the system of draw of lots from amongst the eligible candidates. The said guidelines were further modified in March 2015. Now, another concept of draw as well as bidding has been introduced in the year 2018.

Heard.

During the course of arguments, learned counsel for the respondents has drawn the attention of the Court to letter dated 23.06.2014 (Annexure R-1), issued by the Ministry of Petroleum and Natural Gas, directing that all interviews or re-interviews shall stand cancelled and the locations be re-advertised. Even otherwise, it is settled law that mere selection does not give a vested right to a candidate to seek appointment. During the interregnum period, the entire selection process has undergone a sea change and much water has flown. The respondents are well within their rights not to proceed with the selection process in pursuance of advertisement dated 30.04.2010. Therefore, this Court does not find any

ground to interfere.

In view of the above, the instant petition is hereby dismissed.

29.04.2019

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No