

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.11200 of 2012

T. Madesh

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Petitioner

Versus

1. Bharat Petroleum Corporation Ltd.,
Rep. by its Regional LPG Manager - South,
No.1, Ranganathan Gardens, Off
11th Main Road, Anna Nagar,
Chennai - 40.
2. The Territory Manager,
Bharat Petroleum Corporation Ltd.,
LPG - Bottling Plant,
Peelamedu, Coimbatore.
3. The Interview Committee,
Bharat Petroleum Corporation Ltd.,
LPG - Bottling Plant,
Peelamedu, Coimbatore.
4. R. Saravanan

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari/Mandamus calling for the records relating to the impugned empanelment published on 02.11.2011, by the 3rd respondent on behalf of the respondents 1 and 2, placing the 4th respondent in 2nd place in the Statement of Performance of Candidates (Final Mark Sheet) interview held on 02.11.2011 and quash the same consequentially direct the respondents 1 to 3 to appoint the petitioner as LPG Distributor for the location Morappur, Dharmapuri District, by awarding him proper marks to under the caption of "Fixed/Other Assets" by taking account of the value his 1/3rd share in his Joint Family Property, as mentioned in the affidavit filed by the co-sharers enclosed in his application, in addition to the value of his individual property.

For Petitioner : Mr.R.Neelakandan
For RR 1 to 3 : Mr.O.R.Santhanakrishnan
For R4 : Mr.V.Anilkumar

O R D E R

This writ petition has been filed for a writ of Certiorarified Mandamus, calling for the records relating to the impugned empanelment published on 02.11.2011, by the 3rd respondent on behalf of the respondents 1 and 2, placing the 4th respondent in 2nd place in the Statement of Performance of Candidates (Final Mark Sheet), interview held on 02.11.2011, quash the same and consequently for a direction to the respondents 1 to 3, to appoint the petitioner as LPG Distributor for the location Morappur, Dharmapuri District, by awarding him proper marks under the caption of "Fixed/Other Assets" by taking account of the value of his 1/3rd share in his Joint Family Property, as mentioned in the affidavit filed by the co-sharers enclosed in his application, in addition to the value of his individual property.

2. The case of the petitioner is that, as per the application form he had produced assets, which are more than Rs.20,00,000/-, which would entitle him for 5 marks. Whereas, in the impugned mark statement only two marks has been given to him, because of which, the distributorship was not allotted to him. The entire process had commenced in the year 2011 and the writ petition was filed in the year 2012. The petitioner had applied for the distributorship under the category 'Physically disabled'.

3. It is stated by the learned counsel, who appeared on behalf of the respondent-Corporation that, since there was no stay obtained in the writ petition, even as early as on 31.01.2014, the Letter of Intent was issued by the first respondent to the fourth respondent and followed by distributorship agreement entered between the first and fourth respondents. It is also admitted that the period of distributorship is for five years, which is also over now. Hence nothing survives for adjudication in the writ petition and the same is dismissed as infructuous. No costs.

4. However, it is made clear that, in the event of any subsequent Notification for distributorship is called for by the respondent-Corporation, it is open to the petitioner to apply for the same.

Sd/-

Assistant Registrar

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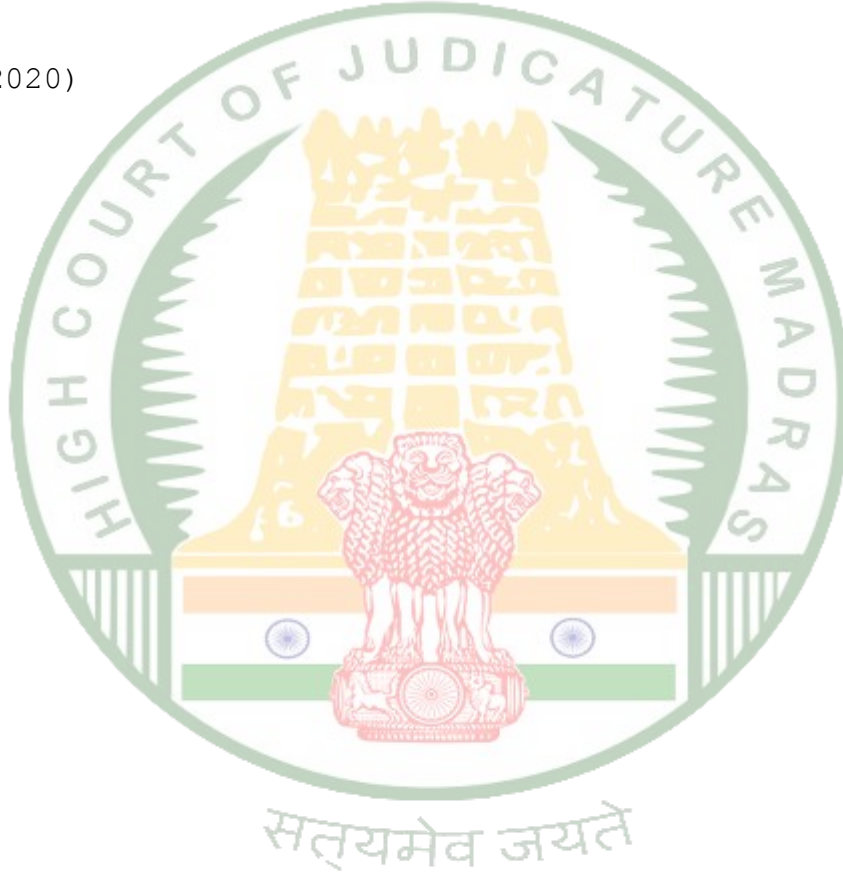
Sub Assistant Registrar

rsi

+1cc to Mr.R.Neelakandan, Advocate, Sr.No.24360
+1cc to Mr.S.R.Raghunathan, Advocate, Sr.No.24268
+1cc to Mr.O.R.Santhanakrishnan, Advocate, Sr.No.24144

W.P.No.11200 of 2012

BR (CO)
GS (28/05/2020)



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