

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.9269 of 2019
and
W.M.P.Nos.9814 & 9816 of 2019

M.Chittukuruvi

.. Petitioner

...Vs...

1.The Zonal Manager,
Marketing Division,
Indian Oil Corporation Limited,
House of Four Frames,
6/13, Wheat crofts road, Nungambakkam,
Chennai - 600 034.

2.The Divisional Officer,
Salem Divisional Office,
No.234, 1st Floor, NH-7,
Salem Bangalore By-pass Road,
Kondalampatti,
Salem - 636 010.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent's website order vide 12.02.2019, relating to rejection of the Retail outlet dealership to the petitioner at R.Pudupatti vide SL.No.2295 in the state of Tamilnadu advertisement dated 25.11.2018 quash the same and consequently direct the 2nd respondent to allot the Retail outlet dealership to the petitioner at R.Pudupatti vide SL.No.2295 in the state of Tamilnadu advertisement dated 25.11.2018 which was given by the 1st respondent.

For Petitioner : Mr.P.Saravanan

For respondents : Mr.Md Fayaz Ali

ORDER

The Petitioner, M.Chittukuruvi D/o. Muthumani is the resident of R.Pudupatti (PO), Rasipuram Taluk, Namakkal District, had filed the Writ Petition in the nature of Certiorarified Mandamus calling for the records from the 2nd respondent namely, the Divisional Officer, Indian Oil Corporation at Salem, order dated 12.02.2019 relating to rejection of the Retail outlet dealership at R.Pudupatti which was advertised on 25.11.2018 and direct the said respondent to allot retail outlet dealership to the petitioner.

2. The petitioner, while applying for Retail outlet dealership in Indian Oil Corporation at R.Pudupatti, Rasipuram Taluk, Namakkal District, unfortunately, had enclosed the PAN Card of her father Muthumani instead of her own PAN card. The petitioner is otherwise qualified as a dealer of retail outlet at R.Pudupatti. She had paid Rs.2,500/- through net banking for application fee. She had also submitted the application with proper enclosure in application No.15456492597052 dated 24.12.2008. She was also called for an interview. Totally five candidates have applied for dealership. She was selected for R.Pudupatti area retail shop under Scheduled Caste. She also deposited a sum of Rs.20,000/- as directed as initial security deposit on 24.01.2019 in the name of Indian Oil Corporation by using debit card for selection of retail outlet dealership. However, she found to her shock that her application was rejected. When she sought for the reasons, she was informed that she had unfortunately enclosed the PAN card of her father Muthumani along with her application. In the affidavit filed before this Court it was stated that it was a genuine mistake and she also has a PAN card which is also been filed as document before this Court. The petitioner's PAN card No.BZDPC2856D.

3. Heard learned counsel for the petitioner and learned counsel for the respondents.

4. The learned counsel for the respondents stated before this Court on 09.12.2019, that they would examine the issue. However, this Court is of the view that the enclosure of the PAN Card of the father of the petitioner is only a rectifiable mistake. The petitioner also has her own PAN card. Therefore, she cannot be disqualified on that narrow ground. Therefore, a direction is issued to the 2nd respondent to grant Retail outlet dealership to the petitioner and the order of the 2nd respondent rejecting the application of the petitioner only for the reason for enclosure of the father's PAN card is set aside and since the petitioner is otherwise fully qualified and also paid all necessary requisite fees and is also qualified, it would be a step in the correct direction if the 2nd respondent, grants her

dealership. The 2nd respondent is directed to grant dealership on or before 15.02.2020, if other aspects are in order.

5. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

smv

To,

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2.The Divisional Officer,
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Salem Bangalore By-pass Road,
Kondalampatti,
Salem - 636 010.

+1cc to Mr.P.Saravanan, Advocate SR.No.1234

+1cc to Mr.Mohameed Fayaz Ali, Advocate SR.No.1225

W.P.No.9269 of 2019
and

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PVS (CO)
GMY (11/02/2020)

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