



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.23791 OF 2011

AND

M.P.NO.1 OF 2011

M.S.Nagarajan

... Petitioner

Vs

1. The General Manager,  
Hindustan Petroleum Corporation Limited,  
South Zone Office,  
Thalamuthu Natarajan Maligai,  
4th floor, Gandhi Irvin Salai,  
Egmore, Chennai - 8.
2. The Senior Regional Manager,  
Hindustan Petroleum Corporation Limited,  
Regional Office, HP House,  
18/3, Big Bazaar Street,  
Coimbatore - 641 001.
3. The Selection Committee,  
(Retail Outlet Dealership of  
HPCL at Vaigundam to Salem on NH 47),  
Hindustan Petroleum Corporation Limited,  
Regional Office, HP House,  
18/3, Big Bazaar Street,  
Coimbatore - 641 001.
4. The Executive Sales Officer,  
Salem Sales Area,  
Hindustan Petroleum Corporation Limited,  
Regional Office, HP House,  
18/3, Big Bazaar Street,  
Coimbatore - 641 001.
5. S.Selvakumari

... Respondents



PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the file of the second respondent made in Ref: US/RET dated 31.08.2011 and quash the same and further direct the respondents 1 to 3 to cancel the empanelment of the 5th respondent and to empanel the petitioner for retail outlet dealership at Vaikundam to Salem on NH 47 (LHS on New Coimbatore to Salem Road).

For Petitioner : Mr.C.Kulanthaivel

For Respondents : Mr.Mohammed Rayaz Ali  
[For R1 to R4]

No appearance [For R5]

#### ORDER

The order impugned, dated 31.08.2011, passed by the respondent/Petroleum Corporation disposing of the complaint submitted by the petitioner is under challenge in the present writ petition.

2.Pursuant to the daily newspaper notification, inviting applications from the eligible candidates for appointment of retail outlet dealership at Vaikundam to Salem, the petitioner submitted his application. Admittedly, the 5<sup>th</sup> respondent also submitted his application.

3.The grievance of the writ petitioner is that the 5<sup>th</sup> respondent is not qualified and by way of manipulation, the 5<sup>th</sup> respondent was selected and issued with the letter of intent to run the retail outlet.

4.The learned counsel for the petitioner reiterated that the writ petitioner was deprived on the ground that, he has not produced the certificate to establish the Educational qualification. The learned counsel for the petitioner states that the petitioner has produced all the required certificates and in order to show favour to the 5<sup>th</sup> respondent, the marks are awarded in an illegal manner.

5.The learned counsel for the respondent/Petroleum Corporation objected the said contention by stating that the credentials of the petitioner were verified by the competent authority and the process of selection was conducted in a transparent manner. The marks given to the respective candidates



were published and therefore, the allegations are false and incorrect. Beyond all these verifications, on receipt of the complaint from the petitioner, a Committee was constituted to scrutinise the process of selection, who in turn, conducted an enquiry and the said Committee, consisting of three officers, has given its findings as under:

"1. You have not appeared before the interview committee because you have not produced to the Scrutiny in-Charge, the original of basic qualification which is Std X./XII/Degree pass certificate during verification. In your application you have attached only Xerox copy of T.C. of Madurai Kamarajar University, Issued by Institute of Correspondence Course and Continuing education, Madurai, which you have produced to the scrutiny in charge for verification.

2. You may please note that whatever documents submitted in the application have been verified with what is produced by you to the scrutiny in-charge on the date of interview. Hence you are made ineligible for interview for want of proof of educational qualification."

6.The letter of intent was issued in the year 2011 and the complaint given by the petitioner was also considered and an enquiry was conducted. This being the factum, at this length of time, further interference became unnecessary and the petitioner is at liberty to participate in the forth-coming process of selection, if any notified by the respondent/Petroleum Corporation.

7.With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

nti/mkn



To

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+1cc to Mr.C.Kulanthaivel, Advocate, S.R.No.58913

W.P.No.23791of 2011

KSM(CO)  
RLP(01/12/2021)