

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. NO. 34240 OF 2012 AND
21877 OF 2012
AND M.P.NOS.1 TO 3 OF 2012

W.P.No.34240 of 2012

A.P.Sangeetha

... Petitioner

Vs.

1. The Manager,
Indian Oil Corporation Limited,
139 Mahatma Gandhi Road
Chennai. 600 034.
2. The Chief/Senior Area Manager,
Indian Oil Corporation Ltd.,
(Marketing Division), Indian Area Office,
8/1079 Avinashi Road
Coimbatore 641 018.
3. The Deputy Manager,
Indian Oil Corporation Ltd.,
(Marketing Division)
Indian Area Office,
8/1079 Avinashi Road,
Coimbatore. 641 018.
4. Parivallal
5. The Tahsildar
Omalur Taluk
Salem District

... Respondents

(R5 Suo motu Impleaded vide Order
dated 04/10/2021 made in WP.No.34240 of 2012 by SMSJ)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of declaration to declare the entire selection process for award of Rajiv Gandhi Gramin LPG Vitharan (RGGL.V) Distributorship at Tholasampatti Village, Omalur Taluk, Salem District conducted by the Indian Oil Corporation by inviting applications under open category in pursuance to papers advertisement in "Thinathanthi" dated 28.12.2011 as far as serial No.85 is concerned as null and void.

For Petitioner : Dr.R.Gowri

For Respondents : Mr.R.Ravi for R1 to R3
Government Advocate

Mr.T.M.Karthikeyan for R4

W.P.No.21877 of 2012

A.Brindha

...Petitioner

Vs.

1. The Manager,
Indian Oil Corporation Limited,
139 Mahatma Gandhi Road
Chennai. 600 034.

2. The Chief Area Manager,
Indian Oil Corporation Ltd.,
(Marketing Division)
Indian Area Office,
8/1079 Avinashi Road
Coimbatore 641 018.

3. Deputy Manager,
Indian Oil Corporation Ltd.,
(Marketing Division)
Indian Area Office,
8/1079 Avinashi Road,
Coimbatore. 641 018.

4.S.Padmapriya

5.M.Hariharan

6.A.Rajkumar

7.S.Amsavalli

8.Parivallal

...Respondents

(R4 to R7 have been impleaded vide
order of this Court dated 14.08.2012
in M.P.No.3 of 2012)

(R8 impleaded vide
order of this Court dated 19.11.2012
in M.P.No.5 of 2012)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings and consequential proceedings of the 2nd respondent dated 19.05.2012 and 06.07.2012 respectively and quash the same and thereby direct the respondents to consider the petitioner's representation dated 02.08.2012 and thereby direct the respondents to issue interview letter to the petitioner so as to enable the petitioner to participate in the interview/draw to be held on 17.08.2012 for selection of award of RGGLV Distributorship at Tholasampatti Salem District under open category on 28.12.2011.

For Petitioner : Dr.R.Gowri

For Respondents : Mr.R.Ravi for R1 to R3

Government Advocate

Mr.T.M.Karthikeyan for R8

COMMON ORDER

W.P.No.34240 of 2012

The writ on hand is filed to declare the entire selection process for award of Rajiv Gandhi Gramin LPG Vitharan (RGGL.V) Distributorship at Tholasampatti Village, Omalur Taluk, Salem District conducted by the Indian Oil Corporation by inviting applications under open category in pursuant to paper advertisement in "Thinathanthi" dated 28.12.2011 as far as serial No.85 is concerned as null and void.

2. The petitioner is also one of the aspirant and participated in the process of selection for award of LPG distributorship under the Scheme at Thulasampatti Village, Omalur Taluk, Salem District conducted by the Indian Oil Corporation by inviting applications under open category.

3. The learned counsel for the petitioner contends that based on the false residents certificate, the candidates are proposed to be selected. During the relevant point of time, when the writ petition was filed and more specifically, the fourth respondent is now declared as selected for LPG distributorship at Thulasampatti Village, Omalur Taluk. It is contended on behalf of the petitioner that these short listed candidates for selection are not fully qualified one way or the other and more specifically they are not the residents of the same village as per the terms and conditions stipulated in the notification. The petitioner is aware of the fact that these short listed candidates are not ordinarily residing in Thulasampatti Village and their names are not found in the voters list at Thulasampatti Village. Submitting all these records, the petitioner raised an objection for selection of those candidates including the fourth respondent. However, in respect of 4th respondent, the voters list has not been submitted. However, it is contended that the resident certificate produced is not genuine and the fourth respondent is the resident of Maramangalam Village, Salem District. When the petitioner has stated that the fourth respondent is residing in Maramangalam Village and the resident certificate produced by the fourth respondent is not genuine, the authorities have not conducted a thorough enquiry and based on mere verification, it seems that he was selected. However, by virtue of an interim order granted by this Court, he is not permitted to carry on the distributorship as per the tender notification.

4. The learned counsel for the petitioner reiterated that the fourth respondent is a practising Advocate at Madras. As per Clause 6 of the brochure for selection of "Rajiv Gandhi Gramin LPG Vitharan (RGGL.V) Distributorship", a person selected for RGGLV should personally manage the operation of RGGLV. He/she will not be eligible for taking up any other employment. If the selected person is already employed he/she will have to resign from the employment and produce the letter of acceptance of resignation by the employer before the issuance of letter of

appointment by the Oil Company." This being the condition stipulated, the respondents 1 to 3 are bound to verify the genuineness of the resident certificate with the Tahsildar, who issued the certificate and further verify the age of the fourth respondent and other terms and conditions as stipulated before issuing a letter of appointment.

5. The learned counsel for the respondents 1 to 3 objected the said contention by stating that the tender process were conducted in accordance with the procedure and there is no infirmity. The credentials of the candidates are verified by the authorities. However, a final verification even as per the terms and conditions are to be made only after the selection and before issuing the letter of appointment. However, the verifications were already completed and the fourth respondent was selected. In view of the interim order granted in this writ petition, the letter of appointment is yet to be issued in favour of the fourth respondent. The petitioner except producing the voters list has not established that the selected candidates are not the resident of Thulasampatti Village. Therefore, in the absence of any such proof, the respondents 1 to 3 will not be in a position to cancel the selection, but to proceed with the letter of appointment as per the procedure contemplated.

6. This Court is of the considered opinion that the terms and conditions stipulated in the brochure of selection is to be scrupulously followed by the authorities. Clause 6 unambiguously stipulates that any person will not be eligible for taking up any other employment, if the selected person is already employed, he/she will have to resign from the employment and produce the letter of acceptance of resignation by the employer. As far as the fourth respondent is concerned, it is brought to the notice of this Court that he is an Advocate enrolled in the Bar Council of Tamil Nadu and practising at Chennai. This being so, in the event of taking a decision through accepting the letter of appointment, the fourth respondent is bound to submit a letter of resignation to suspend the practice to the Bar Council of Tamil Nadu and the acceptance of such suspension letter must be produced before the competent authority for receipt of letter of appointment from the Oil Company. This being the conditions, the fourth respondent is also bound to follow all these procedures.

7. Regarding the resident certificate issued by the Deputy Tahsildar, Omalur Taluk, Salem District, the Tahsildar, Omalur Taluk is suo motu impleaded as respondent in the present writ petition for the limited purpose of verifying the genuineness of the certificate issued by the Deputy Tahsildar. Thus, the Tahsildar, Omalur Taluk is directed to verify the genuineness of the resident certificate issued by the Deputy Tahsildar by conducting an enquiry and send a report to the second respondent as well as to the petitioner and the fourth respondent.

8. This being the facts and circumstances, the respondents 1 and 3 are directed to get the report from the 5th respondent Tahsildar, Omalur Taluk, Salem District and verify all other certificates produced by the fourth respondent and thereafter by following the procedure as contemplated proceed in accordance with law for the purpose of issuing letter of appointment. The Tahsildar, Omalur Taluk is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order and submit a report to the second respondent and communicate the copy of the report to the petitioner and to the 4th respondent.

9. With these directions, W.P.No.34240 of 2012 stands disposed of. No costs.

W.P.No.21877/2012

As far as W.P.No.21877 of 2012 is concerned, the relief sought for in the present writ petition is to consider the representation submitted by the writ petitioner and direct the official respondents to issue interview letter to the writ petitioner. In view of the final order passed in W.P.No.34240 of 2012, no further adjudication is required and accordingly, this writ petition is disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

RR

To

1. The Manager,
Indian Oil Corporation Limited,
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4. The Tahsildar,
Omalur Taluk,
Salem District.

W.P.Nos. 34240 and 21877 of 2012

VGII(CO)
RLP(24/11/2021)