

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

926 WRIT PETITION NO.11947 OF 2017

**MAHESH ASHOKRAO AGHAV
VERSUS
THE UNION OF INDIA AND OTHERS**

...

Advocate for Petitioner : Mr. Kotkar Sanjay D.
Advocate for Respondent No.1 : Mr. B. B. Kulkarni
Advocate for Respondent No.2 : Mr. A. P. Bhandari

**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 23 JUNE 2022

ORDER:

By this petition, the petitioner is challenging the marks allotted to the petitioner by the second respondent in respect of selection of Servo Stockists at Beed/Jalna.

2. The second respondent, by advertisement dated 25 April 2017, had invited applications for allotment of Servo Stockists. The petitioner and the third respondent applied for the same. During the process of selection, marks were allotted by the Selection Committee (Level-1) and thereafter, by Interviewing Committee (Level 2) of the second respondent. Relevant mark-sheet is produced on record at page No.76 of the compilation. Level-1 Selection Committee assessment was for 80 marks while the marks to be allotted for the viva voce by Level-2 Interviewing Committee were 20. The mark-sheet shows that the third

respondent had obtained total 66.34 marks while the petitioner had obtained total 56.66 marks. As such, Servo Stockist dealership was allotted to the third respondent.

3. It is undisputed that respondent no.3 has commenced the business in the year 2017.

4. We have heard the learned counsel for the parties.

5. The learned counsel for the petitioner has questioned the allotment of marks as against three heads, namely -

- (i) Registered and having established business (maximum marks-3);
- (ii) Past performance (maximum marks-4); and
- (iii) Sales persons (maximum marks- 3).

It appears that the third respondent was allotted 3 marks against the first head, 6 marks against second head and 3 marks against the third head, as above, while the petitioner, was allotted Zero marks against all the three heads.

6. Learned counsel for the petitioner contended that the record about the registered business in the name of his mother was tendered and the mother had also sworn an affidavit that the said business was looked after by the petitioner. It is, therefore, submitted that the second respondent was not justified in allotting Zero marks to the petitioner against the heads- (i) Registered and having established business and (ii) Past performance. It is submitted that the petitioner had also tendered a list of sales persons and therefore

the allotment of Zero marks against head No. (iii), as above, is also improper.

7. Learned counsel for respondent No.2 submitted that the petitioner was not having any business registered in his name and even the business which is registered in the name of his mother is a 'stone crushing' business, which cannot be considered for any experience in allotting Servo Stockist dealership.

8. We have considered the circumstances and the submissions made.

9. It is apparent that the petitioner is not having any business registered in his name. As rightly pointed out by the respondent no.2, even the business in the name of his mother is of stone crushing which cannot be said to be an allied business as a servo stockist dealership. It is in these circumstances, that the petitioner was allotted Zero marks as against the heads at Serial Nos .(i) and (ii) above.

10. In so far as the head of Sales Persons is concerned, it was contended on behalf of the petitioner that list of names of the sales persons was submitted. We find that these sales persons would be in the employment of the business which is registered in the name of mother of the petitioner. That apart, even assuming that maximum three marks are allotted under the said head, still the total marks obtained by the petitioner would be lesser than the marks secured by the third respondent.

11. In that view of the matter, no case for interference is made out, more so when the dealership is already allotted and has commenced business in the year 2017.

12. The petition is accordingly dismissed.

SANDIPKUMAR C. MORE, J

C. V. BHADANG, J.

JPChavan