



WEB COPY

W.P.No.5607 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5607 of 2011

and

M.P.No.1 of 2011

G.Dhayasankar

... Petitioner

Vs.

1.The Chairman and Managing Director,
Bharath Petroleum Corporation Limited,
4 & 6, Curimbhoy Road,
Ballard Estate,
Mumbai – 400 001.

2.The Area Marketing Manager,
(Tamil Nadu & Pondicherry),
Bharath Petroleum Corporation Limited,
No.1, Ranganathan Gardens,
11th Main Road, Anna Nagar,
Chennai – 600 040.

3.Territory Manager (Retail),
Bharath Petroleum Corporation Limited
Attur & Kadapai Village,
Erode Road, Attur Post,
Karur – 639 002.

4.The Selection Committee,
Bharath Petroleum Corporation Limited,
Attur & Kadapai Village,



Erode Road, Attur Post,
Karur – 639 002.

5.R.Jayaprakash

6.The Taluk Supply Officer,
Pennagaram Taluk,
Dharmapuri District – 636809.

7.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District – 636 809.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to disqualify the 5th respondent as ineligible for the allotment of dealership of the Bharath Petroleum Outlet (Petrol Pump) in the location of Pauparapatty, Dharmapuri District as advertised by the 2nd respondent in the Tamil Daily viz. “Dinamani”, dated 05.10.2009, and consequently to allot the said Bharath Petroleum Retail Outlet dealership to the petitioner.

For Petitioner	: Mr.R.Thamarai Selvan
For R1 to R4	: Mr.John Joseph For Mr.O.S.Kathikeyan
For R5	: Ms.S.Thankira For Mr.J.Vepparasu
For R3	: Mr.Abishek Murthy Government Advocate



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ORDER

The writ petition is filed to direct the respondents 1 to 4 to disqualify the 5th respondent as ineligible for the allotment of dealership of the Bharath Petroleum Outlet (Petrol Pump) in the location of Pauparapatty, Dharmapuri District as advertised by the 2nd respondent in the Tamil Daily viz. “Dinamani”, dated 05.10.2009, and consequently to allot the said Bharath Petroleum Retail Outlet dealership to the petitioner.

2. The petitioner pursuant to the notification submitted his application for grant of dealership to run retail outlet (Petrol Pump). Thereafter, the petitioner was called for an interview held on 22.01.2010 and was placed as 3rd candidate in the selection list prepared, based on the marks awarded in the interview. One Mr.M.K.Krishnan, who was awarded 96.50 marks was placed as the 1st candidate, the 5th respondent who was awarded 95.75 marks was placed as 2nd candidate, and the petitioner was awarded 91.76 marks and was placed as the 3rd candidate.

3. The learned counsel for the petitioner raised certain allegations against the 5th respondent / Mr.Jayaprakash with regards to the marks granted



to him and further states that he is neither a resident of the concerned Revenue Village nor is residing within the limits of the concerned Panchayat or Block. Moreover, the land identified by the 5th respondent is not fit for awarding the retail outlet dealership by Bharat Petroleum Corporation Limited. Therefore, the case of the petitioner is to be considered.

4. The learned counsel for the respondents objected the said contentions by stating that the allegations made by the petitioner are incorrect and produced certain documents to show that there is no collusion or favouritism on the part of the authorities in allotting marks to the candidates. On perusal of the documents on record, this Court is of the considered opinion that the marks allotted to the petitioner and the 5th respondent are proper. Thus, there is no infirmity in respect of the selection of the 5th respondent. However, the present writ petition was filed in the year 2011 and for the past about 12 years the 5th respondent is running the retail outlet petrol pump. Thus, this Court do not find infirmity in respect of the orders passed by the 2nd respondent.



5. Accordingly, this Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Speaking order

Neutral Citation : Yes

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S.M.SUBRAMANIAM, J.

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