

(2017) 09 MAD CK 0037

In the Madras High Court

Case No : 153 of 2013 and M P (MD)Nos 1And 2 of 2013 and C M P(MD)No 7685 of 2017

Indira

APPELLANT

Vs

Bharat Petroleum Corporation Limited, & Anr.

RESPONDENT

Date of Decision : 11-09-2017

Acts Referred:

Citation : (2017) 09 MAD CK 0037

Hon'ble Judges : M.M.Sundresh, N.Sathish Kumar

Bench : DIVISION BENCH

Advocate : M.M.Sundresh, N.Sathish Kumar

Judgement

1. The appellant is one of the applicant, who sought for distributorship. In the interview, after conclusion of the interview, the Petitioner obtained 95.67 marks. The next candidate has secured 94.50 marks. In pursuant to the Field Verification made, it was found that the appellant did not give the correct particulars with respect to Item No.13-A1, 14(3) and 14(4). These items are relatable to the go-down for storage of LPG Cylinders, fixed deposits and other assets/property of the family. It appears that item 13-A1 stands in the name of the appellant and her sister in law. It is the case of the appellant, that even one takes into consideration of the share of the appellant, though the co-owner has given a consent letter. Regarding second item, it is submitted that the husband has given fixed deposit, which has not been taken into account. Insofar as the third item is considered, it is submitted that the sister of the appellant's husband alone can be taken into account, for which there is no bar.

2. The learned counsel for the respondent would submit that in the absence of mala-fides, no interference is required, more so, information furnished are not correct. The marks have been awarded, based upon the information furnished at the time of application alone. Therefore S.No.16 of the applicant would come into play.

3. We are of the view that the learned Single Judge ought not to have gone into the merits of the case. Admittedly, the order affects the appellant. There is no dispute on facts that the appellant as per the marks awarded originally would have become successful and therefore got dealership in her name.
4. In such view of the matter, we believe that the respondents ought to have put the appellant on notice to explain the circumstance under which the aforesaid items have been notified in the application. We do not want to undertake the said exercise in this Writ Appeal, as it is for the respondent to take note of it. Suffice to state that considering the facts, we deem it fit that the appellant ought to have been given an opportunity to explain her case.
5. In such view of the matter, the order impugned herein is treated as show-cause notice and the appellant is directed to give her explanation within a period of four weeks from the date of receipt of a copy of this order. On receipt of such explanation, the respondent concerned is directed to do the needful and pass appropriate orders within a period of six weeks therefrom.
6. With the above directions, the Writ Appeal stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.