
(2003) 07 DEL CK 0147
In the Delhi High Court
Case No : CW No. 4298 of 2001

Raj Bala

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 22-07-2003

Acts Referred:

Citation : (2004) 109 DLT 300 : (2004) 74 DRJ 443

Hon'ble Judges : Badar Durrez Ahmed, J

Bench : Single Bench

Advocate : G.S. Sangwan, for the Appellant; Reeta Kaul, for respondents 2 and 3, for the Respondent

Final Decision : Dismissed

Judgement

Badar Durrez Ahmed, J.—The petitioner is aggrieved by the fact that she has not be considered for the grant of a Retail Outlet of the Indian Oil Corporation for which she had applied pursuant to an advertisement which appeared in the newspapers on 8.6.2001. The petitioner claims to be an outstanding sport person having allegedly won the gold medal in javelin and discus throw in the Shung Hung Kai International Track & Field Meet at Hongkong in 1990.

2. The aforesaid advertisement dated 8.6.2001 indicated that the Indian Oil Corporation proposed to appoint retail outlets/SKO/LDO Dealers at locations in the State of Haryana and Delhi, inter alia, out of the "outstanding sports persons" category. It was specified in the advertisement that the outstanding sports person category included:-

" (a) Arjuna Awardees (b) Winners of Medals of Olympic/Asian/Commonwealth Games and Recognised World Championships/World Championships and (c) National Championships under the Recognised National Championships."

3. Pursuant to the said advertisement, the petitioner applied for the Retail Outlet of Indian Oil Corporation at Bahadurgarh, District Jhajjar. Haryana. Thereafter, by an letter dated 5.3.2001, issued by the Dealer Selection Board, Gurgaon

(Haryana) 913, New Delhi House, Barakhamba Road, New Delhi, the petitioner was informed that she was required to appear before the Dealer Selection Board for an interview on 21.3.2001. It was clearly indicated in the said interview/call letter as under:

" Please bring in original documents of the enclosures as stipulated in the application form sent by you to the concerned Oil Company. In addition, please also bring the documents in original, mentioned below. Please note that non-production of any of these documents may lead to disqualification."

4. From the above, it is clear that the petitioner was informed that she was required to bring original documents of the enclosures as stipulated in the application form submitted by the petitioner. In addition, she was also required to produce relevant documents in support of her annual income as indicated in the interview call letter itself. It is also clearly noted that non-production of any of the documents would lead to disqualification. It appears that on 21.3.2001 when the petitioner appeared before the Dealers Selection Board she was asked to produce the original documents pertaining to the proof of eligibility. She could not produce the same on that date. The Chairman, Dealer Selection Board asked the petitioner to produce the same on an adjourned date i.e. 10.4.2001 at 4.00 p.m. Despite this opportunity which was granted to the petitioner to produce the requisite eligibility certificate, the petitioner failed to do so. These facts are clearly stated in the counter affidavit of the respondent. In the counter affidavit, it is pointedly stated that the petitioner did not produce the proof of eligibility at the time of interview. Apart from a bland denial of the paragraph that contained in this averment, the petitioner has not specifically stated that she, in fact, had produced the eligibility certificate at the time of the interview.

5. The only ground taken by the petitioner as would be indicated from the following sentence appearing in the rejoinder affidavit in the first paragraph itself is:-

" If the petitioner would not have been eligible, the respondent would have never called her for interview."

It is this very ground that is urged on behalf of learned counsel for the petitioner. The counsel for the petitioner submitted that the fact that the petitioner had been called for an interview was sufficient to indicate that the petitioner was eligible and had she not been found eligible she would not have been called for interview. I am unable to agree with this contention of the learned counsel for the petitioner inasmuch as the calling of a person for an interview ipso facto does not amount to the person's selection or eligibility for selection. The specific condition for calling the person for an interview in this particular case was that the person concerned would produce the relevant documents and, in particular, the proof of eligibility. It was also clearly indicated that non-production of such documents at the time of interview would in itself amount to disqualification. Despite the Dealer Selection Board having given the petitioner a second

opportunity to produce the proof of eligibility by adjourning the initial interview from 21.3.2001 to 10.4.2001, the petitioner failed to produce the proof of eligibility. In this context, the arguments and contentions of the learned counsel for the petitioner are clearly untenable .

6. Learned counsel for the petitioner also pointed to the various allegations of corruption mentioned in the petition. However, no names have been disclosed. Supposedly, middlemen approached the petitioner. The names of the middlemen have not been disclosed nor has it been disclosed as to on whose behalf the middlemen approached the petitioner and what exactly were the instructions that the middlemen carried. These are vague allegations upon which the court cannot place any credence. Moreover, the persons against whom these allegations are sought to be leveled have also not been made parties and they are not in a position to answer to them. These allegations, Therefore, cannot be looked into and are without merit.

7. In view of the aforesaid discussion, there is no merit in the petition. Accordingly, the same is dismissed. No order as to costs.