

(2011) 07 P&H CK 0203

In the Punjab And Haryana At Chandigarh

Case No : C.M. No. 8172 OF 2011 in Civil Writ Petition No. 12537 OF 2010

Sandeep Kumar

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 06-07-2011

Acts Referred:

Citation : (2011) 07 P&H CK 0203

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—The writ petition filed by the Petitioner was dismissed for non-prosecution on May 4, 2011. The Petitioner has now filed this application for recall of this order on the ground that the counsel representing the Petitioner was busy arguing a part heard matter before another Bench and so could not appear before the Court, when the case was called for hearing.

2. Though the non-appearance of counsel for the Petitioner may not appear to be intentional but I do not see any need to recall the order as there is hardly any reason to interfere in the relief claimed in the main writ petition.

3. The Petitioner, who was an applicant for allotment of a retail outlet, has prayed for quashing the statement of marks for interview and writ in the nature of mandamus, directing the Respondents to carry out process of allocation of marks in accordance with the procedure as laid down. The primary grievance of the Petitioner is that he had not been properly assessed in the criteria of 'land and infrastructure' where he has been awarded '0' marks. The Petitioner claims that his father had relinquished the land in his favour and hence, he was required to be assessed as owner in the criteria of 'land and infrastructure'.

4. As per the stand of the Respondents, the complaint filed by the Petitioner was duly investigated and he was informed that there was no change in his marks awarded on 16.12.2009. No candidate was found suitable having failed to secure

minimum 60% marks and so the location was re-advertised on 24.10.2010. No response was received from any candidate and thereafter no fresh second re-advertisement was issued. It is accordingly pleaded that no relief can, thus, be granted to the Petitioner. Otherwise, it is also pointed out that the land offered by the Petitioner was jointly owned by 8 persons, who are part of one family. There were NO Cs from 6 co-owners but 2 co-owners had not given the NO Cs. Even in these NO Cs given by 6 co-owners, it was stated that if the dealership was allotted to the Petitioners, one acre of land will be given to the Petitioner from the joint common land holding. The entire land was found to be un-partitioned. It was, thus, viewed that the land offered was not clearly identifiable. The approach apparently does not suffer from any infirmity, which would call for interference in exercise of writ jurisdiction. It would not be out of place to make a mention to the law laid down in number of Judgments in this regard relating to the jurisdiction of this Court to interfere in such like matters of evaluation (See Dalpat Abasaheb Solunke and Others Vs. Dr. B.S. Mahajan and Others, , Shree Gomukh Marketing Private Limited v. Hindustan Petroleum Company Limited, Panipat and Anr. in Civil Writ Petition No. 15681 of 2007, dated 16.9.2008.

There is, thus, no need to recall the order and the application is accordingly dismissed.