

(2014) 05 RAJ CK 0220
In the Rajasthan High Court
Case No : Civil Writ Petition No. 6144/2013

Smt. Radha Devi	Vs	APPELLANT
The Hindustan Petroleum Corporation Limited and Another		RESPONDENT

Date of Decision : 05-05-2014

Acts Referred:

Citation : (2014) 05 RAJ CK 0220

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Advocate : Manoj Bhandari, Mr. Deepak Nehra and Mr. Y.P. Khileree, Advocate for the Appellant; Dinesh Mehta for Respondents Nos. 1 and 2, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Govind Mathur, J.—An application is preferred by Smt. Saroj Kanwar to become party to the writ proceedings. The same, for the reasons mentioned therein is allowed and Smt. Saroj Kanwar is directed to be impleaded as respondent No. 3. Amended cause-title has already been filed. Learned counsel for the parties are prepared to argue the matter today itself, thus, the petition has been heard finally.

2. The petitioner preferred an application to be considered for grant of retail outlet dealership at location 192, Near Chadi (within 3 Kms either side from village Chadi bus stand on State Highway No. 19). The competent Selection Committee declared a provisional mark-sheet for the retail outlet dealership on 12.11.2010. As per the provisional mark-sheet, one Ms. Seema secured 88.2 marks and stood at the highest pedestal among all the aspirants. The petitioner Smt. Radha Devi secured 77.5 marks and remained at Serial No. 2 and one Smt. Saroj Kanwar was placed at Sr. No. 3 with 75.4 marks.

3. Ms. Seema, who was at Sr. No. 1 refused to have dealership at the location concern as she availed dealership at some other location. The petitioner, as such,

was placed at Sr. No. 1 among the remaining candidates.

4. On scrutiny of the record, it was found that the petitioner was not having requisite experience in managerial/supervisory capacity, thus, the marks awarded against that were reduced, resulting placement of Smt. Saroj Kanwar at Sr. No. 1.

Being aggrieved by deduction of 04 marks against experience, a petition for writ was filed by the petitioner before this Court and that came to be disposed of on 15.4.2013 with a direction to the respondent Hindustan Petroleum Corporation Limited, Jodhpur to consider and decide representation of the petitioner in accordance with law within a period of fifteen days from the date of receipt of the certified copy of the order passed in the petition for writ.

5. The respondent Petroleum Company in pursuance to the directions given by this Court considered the representation submitted by the petitioner to ventilate her grievance and disposed of the same under an order dated 13.5.2013 (Annex. 12). The respondents arrived at the conclusion that the experience certificate submitted by the petitioner dated 24.9.2010 was not relating to supervisory/managerial capacity, hence, no marks against experience could have been granted. To challenge the conclusion arrived, this petition for writ is preferred.

6. The experience certificate said to be submitted by the petitioner is available on record as a part of document (Annex. 7). The experience certificate mentions that the petitioner worked at the retail outlet of Shri Radheshyam Paliwal & Co. from 1.8.2006 to 3.12.2007 as Receptionist/Counselloer. The certificate nowhere discloses the experience earned by petitioner against the work relating to managerial/supervisory capacity. The work of Receptionist or Counselor by no stretch of imagination can be termed and treated as a work of supervisory or managerial nature. No evidence is available on record to establish that the petitioner had managerial or supervisory duties while working with Shri Radheshyam Paliwal & Co., therefore, I am of the considered opinion that the respondent Petroleum Company rightly denied 04 marks to the petitioner against experience. The petition, as such, is having no merit and thus deserves to be rejected.

7. Learned counsel for the petitioner at this stage submits that the respondent Petroleum Company has also taken a decision under the communication impugned dated 19.3.2013 to have fresh interviews from among all other aspirants including the petitioner and Smt. Saroj Kanwar. As per learned counsel for the petitioner, the candidature of Smt. Saroj Kanwar is suffering from certain defaults and those are also required to be taken into account. From perusal of existing procedure of selection, it is apparent that if an aspirant is having any grievance with the process of selection or with the declaration made by any other candidate or otherwise is having a right to submit complaint to the competent authority. If the petitioner is having any cause as regards candidature of Smt. Saroj Kanwar, then such grievance can be raised before the competent authority

in accordance with law.

8. With the observations as above the writ petition is dismissed.