

(2011) 01 P&H CK 0227
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 21515 of 2010

Sundeep Singh

APPELLANT

Vs

Indian Oil Corporation and Others

RESPONDENT

Date of Decision : 07-01-2011

Acts Referred:

Citation : (2011) 01 P&H CK 0227

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—The Petitioner, who has been unsuccessful in getting selection for L.P.G. Distributors in Scheduled Caste category of Indian Oil Corporation Ltd., has filed this writ petition to challenge the selection of Respondent No. 4 on the ground that the selection process was not fair.

2. Respondent-Indian Oil Corporation issued advertisement for appointment of LPG distributors under various categories on 1.12.2007. Ludhiana-4 category was meant for Scheduled Caste and

3. the Petitioner being Ramdasia applied for the same. The Petitioner holds a Bachelor of Technology degree and has also undergone an industrial training with Connect, HFCL Infotel Ltd. Co. The Petitioner appeared for interview and was assessed as per criteria adopted.

4. The Petitioner has been awarded 26.92 marks and has missed the selection by a margin of 1.16 marks as against Respondent No. 4, who has been successful by getting 28.08 marks. The Petitioner accordingly has come to challenge this selection and would urge that he and Respondent No. 4 have been awarded identical marks on account of educational qualification. The Petitioner has been awarded 3.83 marks for experience, whereas Respondent No. 4 could get only 3.03 marks. The Petitioner has secured better marks in business acumen category where he is given 4.17 marks and Respondent No. 4 has secured 4.08

marks. Where the Petitioner has been out scored is in the criteria of age which carried 4 marks in the maximum. Petitioner is given 1.92 marks whereas Respondent No. 4 is given 2 marks.

5. Aggrieved by his non-selection, the Petitioner had filed a complaint pleading that he deserves better marks in the criteria of age as well since the interview had taken place nearly after 3 years of the advertisement and by then he was more than 26 years of age, whereas he has been assessed in this category by taking his age as on the date of advertisement. As per the Petitioner, he had been found better in other parameters and as such his non-selection only on the basis of age would be unfair as this would have no nexus with the object of assessing merits of the respective candidates, who had applied. The Petitioner accordingly pleads that this would render selection to be arbitrary.

6. The Respondents have replied to the complaint filed by the Petitioner justifying the action of considering the age as on the date of advertisement, which was so well published in the advertisement itself and, thus, was not open to any change. The Petitioner accordingly pleads that denial of opportunity to the Petitioner to allot L.P.G. Distribution is arbitrary and illegal.

7. The perusal of the advertisement would show that criteria for selection for grant of L.P.G. Distribution was disclosed in the brochure, which has been annexed with the petition as Annexure P 1. Para 14 of this brochure contains the norms for evaluating the candidates. The parameters in which the evaluation was required to be done was, (a) capacity to provide infrastructure and facilities, (b) capacity to provide finance, (c) educational qualification, (d) age of individual, (e) experience, (f) business ability/acumen and (g) personality. Para 14.2 of the brochure would disclose the allocation of marks on various parameters based on the information/statement given in the application. In the column of age, it is clearly provided that the allocation of marks would be as per the age as on the date of advertisement. If the Petitioner was to make any grievance in this regard, he was expected to do so before appearing for interview. The Petitioner very well knew on the date of interview that the same was being held after nearly 2-1/2 years of the advertisement and if he had any grievance in this regard, he could be expected to raise the same. Having competed in the selection process and on being unsuccessful, the Petitioner has now made this grievance fully knowing as to how he was to be evaluated as far as his age was

8. concerned. The Petitioner was fully aware that age for the purpose of evaluation would be taken as on the date of advertisement and now he cannot be heard to complain that he should be assessed differently by taking his age as on the date of interview.

9. The Petitioner has not made any allegation of malice and bias against the selection process. The Petitioner in fact was appropriately assessed in the other parameters and was rated better than the selected candidates. The submission that age has got no nexus with the criteria or parameter of selection could

appropriately have been made before the selection and now the Petitioner cannot agitate this aspect once he has found himself ousted on this ground. There is no malafide alleged or at play in this case. The criteria was well advertised much in advance and was made known to each and every candidate. The candidates were fully aware about the parameters as to how they will be assessed. It would also not be fully appropriate to say that the age has no nexus with the object of evaluation as certainly age would make the person to be more experienced and accordingly better equipped to do business and so it cannot be said that evaluation on the basis of age would be without any nexus with the object of evaluation.

10. I find no merit in the pleas raised and, therefore, would dismiss the writ petition in limine.