



the documents enclosed therewith or subsequently submitted in pursuance of the application by the candidate at any stage is found to be incorrect or false, his/her application is liable to be rejected without assigning any reason and in case, he/she has been appointed as a dealer/distributor, his/her dealership/distributorship is liable to be terminated. In such cases, the candidate/dealer/distributor shall have no claim whatsoever against the Oil Company."

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Inssofar as the eligibility criteria is concerned, there are two requirements to be fulfilled - (1) the applicant should be a resident in the concerned district, as stated in the advertisement, and (2) the applicant should not have gross income of more than two lakhs for the ...3/-

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last financial year, as specified in the advertisement. In the light of these two factors, the applications of the applicants for the dealership ought to be considered. It appears, on consideration of the applications by the Dealer Selection Board, the fifth respondent was placed at No.1 and the appellant was ranked as No.2 for grant of dealership.

Having come to know of the mis-statements in the application form of the fifth respondent, the appellant filed a representation before the first respondent requesting that the dealership proposed to be given to the fifth respondent be cancelled and she be given the dealership. While the representation was pending consideration with the Chairman of the said Board, both the appellant and the fifth respondent filed separate writ petitions before the High Court of Allahabad. The appellant sought a writ of mandamus for consideration of her representation. The fifth respondent sought a writ of mandamus that in view of the decision of the Selection Board, he should be granted the dealership. By common order dated July 23, 2001, the High Court dismissed the writ petition filed by the appellant as infructuous on the ground that the representation of the appellant had already been rejected by the Selection Board. Inssofar as the writ ...4/-

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petition of the fifth respondent is concerned, the High Court issued a mandamus to award dealership to the fifth respondent within one month subject to the completion of formalities which may be required by the respondent-Corporation. However, the appellant filed a fresh writ petition, being W.P.28028/2001, before the High Court challenging the decision of the Chairman of the Selection Board, which was dismissed by the High Court on July 31, 2001. It is against that order that the appellant is before us in this appeal.

Mr.R.F.Nariman, the learned senior counsel, appearing for the appellant, brought to our notice that a credit balance of Rs.2,86,100/- was shown by the fifth respondent as on the date of the application, indeed, there was no account in existence as on that date and, as such, there was mis-statement in the application form which should have resulted in rejection of the application of the fifth respondent instead he was selected. Mr.O.P.Sharma, the learned senior counsel, appearing for the fifth respondent, on the other hand, invited our attention to the



S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.14483/2001

(From the judgement and order dated 31/07/2001 in CMWP 28028/01  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MEENU PALIWAL

Petitioner (s)

VERSUS

INDIAN OIL CORPORATION &amp; ORS.

Respondent (s)

(With Appln(s). for exemption from filing O.T. and permission  
to file additional documents/rejoinder affidavit and entertainment  
of addl. affidavit of respondent no.5 and with prayer for interim  
relief) (For final disposal)

Date : 06/09/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE ARIJIT PASAYATFor Petitioner (s) Mr. R.F. Nariman, Sr.Adv.  
Mr. M.P. Shorawala, Adv.For Respondent (s) Mr. O.P. Sharma, Sr.Adv.  
No.5: Mr. R.C. Gubrele, Adv.  
Mr. K.R. Gupta, Adv.  
Ms. Nanita Sharma, Adv.  
Mr. Vivek Sharma, Adv.  
Mr. Abhishek Atrey, Adv.For Res.Nos.1-4: Mr. H.K. Puri, Adv.  
Mr. S.K.Puri, Adv.  
Mr. Ujjwal Banerjee, Adv.  
Ms. Anindita Gupta, Adv.UPON hearing counsel the Court made the following  
O R D E R...L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2Heard the learned counsel for the parties from 12.00  
noon to 12.40 p.m.  
Leave is granted.  
The appeal is allowed. No costs..SP1  
(N. Annapurna) (Kanwal Singh)  
Court Master Court Master

(Signed order is placed on the file.)