

GAHC010130812024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3394/2024

SUNIL BASUMATARY
S/O- LATE SUNIRAM BASUMATARY, R/O- BATANMARI, P.O. AND P.S. SIDLI,
DIST. CHIRANG, BTR, ASSAM, PIN- 783373.

VERSUS

INDIAN OIL CORPORATION LIMITED AND ANR
REPRESENTED BY DEPUTY GENERAL MANAGER, REGD. OFFICE INDIAN
OIL BHAWAN G-9, ALI YAVAR JUNG MARG, BANDRA (EAST), MUMBAI-
400051.

2:HEAD OF DIVISIONAL OFFICE
INDIAN OIL CORPORATION LIMITED (MD)
GUWAHATI DIVISIONAL OFFICE
4TH FLOOR
EAST POINT TOWER
BAMUNIMAIDAN
GUWAHATI-781021
KAMRUP(M)
ASSA

Advocate for the Petitioner : MR. A BORO

Advocate for the Respondent : SC, OIL

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

28.06.2024

1. Heard Mr. A. Boro, learned counsel for the petitioner, who submits that he

may be allowed to withdraw the writ petition with liberty to file a fresh, in case the petitioner becomes eligible to be considered for allotment of the Retail Outlet Dealership under Group-3 category.

2. Mr. P. Bharadwaj, learned counsel for all the respondents submits that if there are no eligible candidates in Group-1 & 2, the petitioner will be considered as a Group-3 candidate along with other ineligible Group-1 & 2 candidates.

3. The petitioner's case is that the petitioner had participated in the selection for allotment of Retail Outlet Dealership in the district of Chirang for the location between Kashikotra Sidli High School in Kashikotra and Bhutan Morh in Samthaibari on NH 27 (LHS while going from Bongaigaon to Srirampur) for Group I (ST).

4. The petitioner was provisionally selected for the said dealership. Thereafter, vide communication dated 05.03.2024, the petitioner was asked to upload the rectified/corrected documents by 26.03.2024. Although the petitioner had submitted the agreement entered by him with the original land owner and had submitted the Sale Deed, the impugned communication dated 03.05.2024 rejecting his selection for the said area was made to him. The petitioner was further informed that he may be considered for selection along with other Group-3 candidates as per the guidelines. Being aggrieved with the same, the petitioner submitted a representation, which however was not accepted and he was informed to submit the same online. Accordingly, the petitioner submitted his representation through online mode on 07.05.2024.

5. As the petitioner's representation was not being decided, the petitioner submitted WP(C) No.2649/2024. WP(C) No.2649/2024 was disposed of, vide order dated 22.05.2024, with a direction to the IOCL to dispose of the petitioner's representation dated 07.05.2024 by a reasoned order. Subsequent to the order dated 22.05.2024 passed in WP(C) No.2649/2024, the IOCL issued the impugned order dated 03.06.2024.

6. The impugned order dated 03.06.2024 issued by the IOCL states that the petitioner's representation dated 07.05.2024 was not received by them prior to the filing of the writ petition and they came to know of the representation only after the filing of the writ petition. The petitioner's representation was rejected by the IOCL by giving the following reasons :

“(I) In your application form you have incorrectly mentioned that the offered land is owned by your father and you have incorrectly mentioned the name of your father as Shri Niranman Basumatray whereas your father's name is Suniram Basumatray and as such you have misrepresented before the Corporation which is a violation of clause 22 of the dealership selection brochure.

(II) The sale-deed for the offered has been executed after the last date of application form. Please note that as per the essential eligibility criteria for the applicants, the offered land should be owned by the applicant or their family member as on date of submission of application. In the present case, it is evident that you did not have the land as on the date of submission of your application and only purchased it later upon your selection for dealership.

(III) Shri Niranman Basumatray is not your family member and as such his land cannot be considered for further selection.

(IV) In your representation you have mentioned regarding a note in the dealership selection brochure where in case the initial land offered by the

applicant is not found suitable, SC/ST candidates are given one more opportunity to offer alternate land within 90 days along with other candidates in Group 3.

It may be noted that as per the brochure conditions, Group 3 candidates are considered only when there are no eligible candidates in Group 1 or Group 2. In the present case there are Four other candidates remaining in Group 1 and two in Group 2 who have applied for the location. However, in the present case clause 22 of the brochure is reproduced as under:

"22. FALSE INFORMATION If any statement made in the application or in the documents uploaded/ submitted or subsequently uploaded/submitted in pursuance of the application by the candidate at any stage is found to have been suppressed/misrepresented/incorrect or false, then the application is liable to be rejected without assigning any reason."

In the present case it is clear that you have deliberately misrepresented before the Corporation by claiming that the offered land belongs to your father and only after your selection you purchased the land from a third party who is not your family member.

As such, you are not eligible for consideration under Group 3 and your application is therefore rejected and you will not be considered for further selection for the aforesaid location. The Corporation will proceed further with the selection as the order of the Hon'ble Gauhati High Court has been complied."

7. Without entering into the merits of the case, as a prayer for withdrawal of the case has been made, the prayer of the writ petitioner's counsel is allowed. The writ petition is dismissed as withdrawn, with liberty to file a fresh writ petition, if the petitioner becomes eligible to be considered for allotment of a Retail Outlet Dealership under Group-3 category.

JUDGE

Comparing Assistant