

GAHC010252132014



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

Case No. : WP(C)/6389/2014

DIPAK BARUAH
S/O LT. BAPURAM BARUAH, R/O VILL- SADHARUPAR P.O. GERUABARI,
P.S. BISWANATH CHARIALI, DIST. SONITPUR, ASSAM.

VERSUS

INDIAN OIL CORPORATION LTD. and 3 ORS
INDIAN OIL BHAWAN, G-9, ALI YAVAR JUNG MARG, BANDRA EAST
MUMBAI- 4500051, INDIA.

Advocate for the Petitioner : MS.P MITRA

Advocate for the Respondent : MR.M K CHOUDHURY

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14.03.2024.

Heard Shri S Chakraborty, learned counsel for the petitioner. Also heard Shri P Bhardwaj, learned Standing Counsel, Indian Oil Corporation (Corporation).

2. The facts connected may be narrated in brief in the following manner.

3. An advertisement dated 26.01.2012 was published by the Corporation for allotment of KSK (Retail Outlet) for amongst others, SK Oil. Against the Sl. No. 53 location which is Biswanath Chariali Pavo Road, the petitioner, who claims to be eligible, had applied. The location was under the 'open' category. Pursuant to such application, on 19.10.2012, a call letter was issued to the petitioner fixing the date of interview as 06.11.2012. The interview was, accordingly held in which, the petitioner was shortlisted. However, vide a communication dated 19.12.2023, the petitioner came to know that the entire process was cancelled and such cancellation was pursuant to an order dated 14.06.2013 passed by this Court in a writ petition, being WP(C)/4198/2012 instituted by one Shri Ashim Jyoti Bora. It may be mentioned that in the said writ petition, one Shri Arun Kumar Singh was the private respondent no. 4.

4. Shri Chakraborty, learned counsel for the petitioner by referring to the order of this Court dated 14.06.2013 has submitted that there was no direction for cancellation and the direction was only to consider the case of the petitioner of that case whose case was already under consideration as per an interim order dated 04.09.2012. He, accordingly submits that a wrong interpretation was given to the order of this Court causing legal prejudice to the petitioner whereby his valuable right of a fair consideration has been infringed.

5. The learned counsel for the petitioner also submits that subsequently, for the same location, another advertisement has been issued on 25.10.2014. However, the category was changed from 'open' to Schedule Caste. It is submitted that in view of such change of category, the right of the petitioner to participate has also been adversely affected. Shri Chakraborty, learned counsel

prays for an appropriate order by which justice would be done to the aggrieved petitioner.

6. Shri Bhardwaj, learned Standing Counsel of the Corporation, however, submits on instructions that since the institution of the case, there has been various changes in the guidelines for allotment and the entire mode of allotment is done by draw of lots to remove the element of any bias or lack of transparency. The learned Standing Counsel submits that in view of the aforesaid development and elapse of considerable period of time of about a decade, the Corporation is contemplating even to cancel the second advertisement dated 25.10.2014. He further submits that the aforesaid contention was already made in another writ petition instituted by one Shri Arun Kumar Singh which was, however, dismissed for default.

7. In view of the aforesaid facts and circumstances, this Court is of the view that interest of justice would be served if instead of going to the issue raised in the present writ petition, the Corporation be allowed to initiate a fresh process for allotment of the Retail Outlet of SK Oil at the concerned location by cancelling the second advertisement dated 25.10.2014.

8. Shri Bhardwaj, learned Standing Counsel further clarifies that so far as the change of category is concerned, the same depends on the existing roster and the petitioner may not even have any grievance if, as per roster, the location is declared under the 'open' category. In any case, this Court is of the opinion that the petitioner would have the liberty to approach this Court in case of any grievance with regard to any advertisement that may be published after

cancellation of the advertisement dated 25.04.2010 which is under contemplation of the Corporation.

9. With the aforesaid directions and observations, the writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant