**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**W.P.(C) No.3072 of 2021**

Piyush Dubey, aged about 29 years, S/o Sri Binay Kumar Dubey, R/o village-Tatra, P.O. Tatra, P.S. Rajpur, District- Chatra (Jharkhand) 825401 …. Petitioner(s)

Versus

1. Hindustan Petroleum Corporation Limited, through its Chief Manager, 17 Jamshedji Tata Road, P.O. & P.S. Mumbai-400020
2. Head of Regional Officer, Ranchi Retail Regional Office, Hindustan Petroleum Corporation Limited, 5th Floor, Maru Tower, P.O.- Jawahar Nagar, P.S. Gonda, Kanke Road Ranchi-834008

… Respondent(s)

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**CORAM: SRI ANANDA SEN, J.**

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For the Petitioner(s) : Mr. Sachin Kumar, Advocate
Mr. Srikant Swaroop, Advocate
Mr. Aditi Raj, Advocate
For the HPCL : Mr. Rahul Lamba, Advocate
Mr. Anish Kamal, Advocate
Mr. Kanu Priya, Advocate

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**23/15.09.2026** Heard learned counsel for the petitioner and learned counsel appearing for the Respondents.

2. The petitioner is challenging the order dated 10th September of 2019 (Annexure-8) of the writ petition, whereby the Hindustan Petroleum Corporation Limited has taken a decision not to consider the petitioner's application in group-1 and it is informed that he will be considered along with group-3 applicants.

3. The petitioner applied for grant of Retail Outlet of Hindustan Petroleum Cooperation Limited within seven kilometers from Unta More towards Kanchchatti, District Chatra under open category. The land, which the petitioner offered, did not exclusively belong to the petitioner, rather, it was an ancestral property. The property initially was in the name of the grandfather of this petitioner, but after his

death, the petitioner obtained undivided share in the said property along with the other co-sharers. The petitioner applied on 23.12.2018 in group-1.

4. Admittedly, as per group-1, the petitioner must have the land details along with affidavits of the other co-sharers giving no objection in favor of the petitioner. This affidavit is a condition for considering the case of the petitioner in Group-1.

5. From the records, I find and it is also an admitted case that though the petitioner's application was of 23.12.2018, but the affidavits of consent were dated 27.6.2019, which is after the application was made. Thus, on the date, when the application was made, the petitioner was not eligible. The eligibility criteria should be adjudged from the date of the application and not at any period of time after the date of application. Thus, on the date of application, the petitioner did not have any necessary qualifications to apply in group-1. Thus, I find that the respondents have correctly rejected the candidature of the petitioner under group-1.

6. In the impugned order, however, the respondents have indicated that they will consider the application of the petitioner along with group-3 applicants. This clearly suggests that though the petitioner cannot be considered in group-1, but in this case, can be considered in group-3. Since the respondents themselves have taken a decision to consider the case of the petitioner in Group-3, it is expected that the respondents will consider the claim of the petitioner as per the guidelines.

7. The security deposit, which the petitioner has deposited will be treated to be a security deposit against the Group-3 application and ultimately, if the petitioner becomes unsuccessful in group-3 also, it is expected that the security deposit should be refunded to the petitioner.

8. With the aforesaid observation, this writ petition stands disposed of.

**(ANANDA SEN, J.)**

***15.09.2026***
***R.Kumar***
***Uploaded on 18.09.2026***