

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5614 of 2014

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Md. Qumar Raza Son Of Md.Sadaqat Hussain Resident Of Village- Sarara, P.O-
Kalua, Police Station- Babubarhi, District- Madhubani.

.... Petitioner/s

Versus

1. The Indian Oil Corporation through its Area Manager, Marketing Division, Lok
Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
2. Indian Oil Corporation Limited (M.D), Indane Area Office, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Adv.
Mr. Vijay Anand, Adv.
For the I.O.C. : Mr. Anil Kumar Sinha, Adv.
Mr. Ankit Katriar, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 28-08-2015

Heard learned counsel for the petitioner and the
respondents.

2. The present writ petition has been filed for
challenging the order dated 27.01.2014 passed by Area
Manager, Marketing Division by which the petitioner has been
informed that his application for the subject RGGLV Location
"Sarara" within the District Madhubani is rejected on the reason
during field verification of credentials the marks of petitioner
stand revised to 70 and as such petitioner did not qualify for the
said RGGLV Location.

3. Learned counsel for the petitioner invites
attention to serial no. 8 of the application form requiring



particulars of the petitioner's educational qualification wherein he admits that the Boards/University has mistakenly been stated as B.A.A.P.E. University, Uttar Pradesh and so also the years of passing of Matriculation, Senior Secondary and Graduate has been incorrectly stated in the relevant column. It is however stated that the certificates having correctly been annexed with the application form, the errors in the application form were merely clerical in nature and there was no occasion to doubt the bonafides of the petitioner as the respondents were not misled by any such statement in the application. It is further submitted that as regards the other grounds for rejection of his candidature given in the impugned order dated 27.01.2014, the petitioner claims to have fulfilled the minimum requirements and his application ought not to have been rejected.

4. Learned counsel for the respondents on the other hand submits that the case of the petitioner has rightly been rejected for the reasons enumerated in the letter dated 27.01.2014. It is submitted that the petitioner himself has not disputed the fact of the erroneous statements made with regard to his educational qualifications at serial no. 8 of the application form, and invites attention to the note appended thereto which reads as follows:

"Marks will be awarded based on the information given above by the applicant on the education qualification. On verification if it is found

that the information given above is incorrect false/misrepresented then the applicant's candidature will stand cancelled and will not be eligible for RGGLV."

5. It is further submitted that the petitioner was therefore well aware of the consequences of any wrong statements/misrepresented, especially in view of the specific declaration signed by the petitioner as part of the application form in the following terms-

"I am aware that evaluation of candidates will be done based on the information given in the application above. On verification by the Oil Company if it is found that the information given by me is incorrect/false/misrepresented then my candidature will stand cancelled and I will be declared ineligible for RGGLV. I also confirm that I am in possession of the supporting documents in original in respect of the information given by me in this application and if selected, failure to present these documents in original will result in cancellation of selection due to submission of false/unsupported information in this application."

6. Learned counsel for the respondents relies on the decision of the Division Bench of this Court in *2012 (2) PLJR 783 (M/s Indian Oil Corporation Limited vs. Raj Kumar Jha)* wherein the Corporation's rejection of the petitioner's application was upheld, observing as follows:

"10. Besides, may be, in the present case it was a mere typographical error. However, there might be a case of mischief or misrepresentation also. It is difficult to draw a line where an error ends and a mischief or misrepresentation begins. The best way to avoid discrimination is strict adherence to the standards mentioned in the advertisement."

7. The other reasons given in the letter dated 27.01.2014 for rejection of the petitioner's case are reiterated by learned counsel for the respondents.

8. Having heard learned counsels for the parties as well as on a careful consideration of the materials on record, this Court is not persuaded to accept the submissions on behalf of the petitioner. Aligning with the submissions made on behalf of the Corporation, this Court finds no error in their action in rejecting the petitioner's application.

9. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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