

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5408 of 2015

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Sushila Mehta, wife of Shiv Shankar Mehta, resident of village, P.O. & P.S.-
Gidhaur, District- Jamui.

.... Petitioner

Versus

1. The General Manager Indian Oil Corporation Ltd., Marketing Division, Bihar State office, Lok Nayak Jai Prakash Bhawan (5th floor), Dak Bunglow Chowk, Patna-800001.
2. The Senior Manager (Retail Sales), Begusarai Divisional Office, Begusarai.
3. The Deputy General Manager (LPG), Bihar State office, Lok Nayak Jai Prakash Bhawan (5th floor), Dak Bunglow Chowk, Patna-800001.
4. The Deputy General Manager (RS), Bihar State office, Lok Nayak Jai Prakash Bhawan (5th floor), Dak Bunglow Chowk, Patna-800001.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kunwar Narayan Jamuar,
Mr. S.K. Mishra, Advocates
For the Respondents : Mr. Anil Kumar Jha, Sr. Advocate
Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-08-2015

Heard learned counsel for the petitioner as well as
learned senior counsel for the respondents.

2. The present writ petition has been filed for
quashing Letter No.BSO/RS/KSK/758 dated 18.10.2014 issued by
the General Manager, Indian Oil Corporation Limited, Bihar State
Office, Patna whereby the plot of land offered by the petitioner has
been found short of the requirement in terms of the advertisement
and hence, revised mark sheet and revised merit panel both dated
19.08.2014 have been prepared.



3. The petitioner has filed I.A. No.6736 of 2015 for amendment of the prayer in the writ petition seeking production of Note dated 04.12.2014 and Letter of Intent issued on 30.12.2014 as well as receipt of NOC from the District Magistrate and Kisan Seva Kendra which was subsequently commissioned on 30.03.2015 and for quashing the same. I.A. No.6737 of 2015 has been filed for impleading the names of three persons appearing in the revised merit list dated 19.08.2014 as respondent nos. 6 to 8.

Having regard to the nature of the interlocutory applications, the same are allowed and the petitioner is permitted to make appropriate amendments in the writ petition.

4. The petitioner, in response to the advertisement dated 20.08.2011 published by the respondent-Indian Oil Corporation Limited, applied for Kisan Seva Kendra Dealership on the location of Dadpur (within 5 kilometers from SH 18 on Dadpur-Barwa Road, District Jamui) under open category and was placed at second position on the merit list and after selection she was the first empanelled candidate in the merit panel dated 02.09.2013. Thereafter, a complaint was received from Smt. Shalini Kumari (the second empanelled candidate) alleging that the plot of land offered by the petitioner was smaller than 20m x 20m being the minimum size required under the advertisement. The measurement of the said

land was carried out by the Amin culminating in the report of the Circle Officer, Jhajha vide letter No.685 dated 17.12.2013 finding the allegation to be correct.

5. The solitary submission on behalf of the petitioner is that the petitioner's candidature has been cancelled merely to accommodate the complainant Smt. Shalini Kumari, who happened to be the wife of Sri Niranjan Kumar, Circle Officer posted at Jhajha at the relevant time.

6. Mr. Anil Kumar Jha, learned senior counsel appearing on behalf of the respondents, has been heard and opposes the writ petition. A counter affidavit has also been filed. It is submitted that the impugned letter dated 18.10.2014 itself discloses that a request was made on mobile to the petitioner's husband that the petitioner or any representative should be present during the measurement of the plot carried out through the Government agency, but it was requested by him that the measurement may be made in their absence. After measurement was carried out by Amin, Jhajha, he submitted his report to the Circle Officer and in turn, the Circle Officer in his letter no.685 dated 17.12.2013 informed the respondents that the petitioner's plot measured as 18.5m. x 18.0m only. It is submitted that the petitioner has neither denied the fact that an offer was made by the respondents for ensuring the presence of

the petitioner's representative during the measurement process nor questioned the correctness of the report of the Circle Officer. As such no fault can be found with the action of the respondents in preparation of the revised mark sheet and revised merit list.

7. Having heard the respective parties at length and on perusal of the materials on record, this Court finds itself in agreement with the submissions of the learned counsel for the respondents. The sole ground for challenging the action of the respondents is the petitioner's allegation that the complainant Smt. Shalini Kumari was accommodated on the ground that she was the wife of Niranjana Kumar, Circle Officer, Jhajha. There is not even a whisper of denial that the measurement of the petitioner's land was 18.5m x 18.0m nor a specific averment that in fact, the size of her land complied with the requirements of the advertisement.

8. It is also significant that the impugned letter dated 18.10.2014 stated the fact of measurement of the land made by the Amin and consequent report of the Circle Officer, but the petitioner has not even questioned the same in the writ petition. This Court is of the view that merely because the complainant happened to be the wife of the Circle Officer, Jhajha by itself is insufficient to grant relief to the petitioner, especially coupled with the fact that the petitioner herself has not shown to have fulfilled the eligibility

criteria of the land in terms of the advertisement.

9. In the above circumstances, this Court finds no merit in the writ petition which is, accordingly, dismissed.

(Vikash Jain, J)

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