

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.729 of 2009

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Jitendar Chaudhary, S/o Ram Kishore Chaudhary, R/o Village Karian, PO Karian, P.S. Rosara, Dist. Samastipur, Bihar.

.... Petitioner/s

Versus

1. The Indian Oil Corporation, through Chairman, Regd. Office: G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai, India.
2. Managing Director, Indian Oil Corporation, Regd. Office: G-9, Ali Yavar Jung Marg, Bandra (East.), Mumbai.
3. Dy. General Manager (Vig), Vig. Dept. (Eastern Region), Indian Oil Bhavan, 2, Gariahat Road (South), Dhakuria, Kolkata.
4. Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd. (M.D.), Morya Lok Complex, Dak Bangla Road, Patna.
5. Senior Divisional Retail Sales Manager, Begusarai Divisional Office, B-70 Barauni Refinery Township, Begusarai.
6. Ram Das Mahto, S/o Janak Mahto, Vill.- Karian, P.S. Rosra, Dist. Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 06-01-2015 No one appears for the petitioner. Learned counsel for the Indian Oil Corporation is present.

2. The prayer of the petitioner in this writ application reads as follows:-

"1 That the petition is directed for the issuance of writ in the nature of:

- (i) *Certiorari- For quashing the order Dated 20-10-2008 passed by Respondent No.-4, purported to be passed in pursuance of the order of this Hon'ble High Court dated 14-7-2008 in C.W.J.C. No. 16247 of 2006.*
- (ii) *Certiorari- For quashing any investigation Report made by the Vigilance Department of the Corporation (Copy not available to the Petitioner).*

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- (iii) *Certiorari- For quashing the Dealership Letter granted to Respondent No.-6 in pursuance of the Advertisement made in this connection (Copy not available to the Petitioner).*
 - (iv) *Mandamus- For direction to the Respondent No.-11 to investigate into the matter raised by the Petitioner in Complaint Petition made to Respondent No.-4 regarding illegal appointment of Respondent No.-6 for Kishan Seva Kendra Dealership outlet.*
 - (v) *Mandamus- For direction to the Respondents to grant K.S.K. Dealership in question to the petitioner.*
 - (vi) *Mandamus- For direction to the Respondents to stay the Dealership transaction till the finalization of the Complaint Petition and in meantime not to deliver diesel lubricant oil and stop the construction works of K.S.K. Outlet.*
 - (vii) *For issuance of any other appropriate order or orders as Your Lordship may deem fit and proper."*

3. From perusal of the writ application, it appears that the petitioner was an applicant for grant of Kisan Seva Kendra and after he was ranked second in the selection process in which the respondent no.6 had been declared to be successful as a first candidate, he had moved this Court in CWJC No. 16247 of 2006 and this Court by order dated 14.7.2008 had directed the petitioner to file a representation before the competent authority of the Indian Oil Corporation who was directed to dispose of such representation of the petitioner. The impugned order dated 20.10.2008 in fact has been passed pursuant to the aforesaid

direction of this Court.

4. From reading of the writ application, it becomes clear that when the petitioner had initially moved the authority as against the selection of respondent no.6, he had only two grievances, firstly with regard to respondent no.6 having no clear title of the land and secondly that the respondent no.6 was having a criminal history of being charge-sheeted in one criminal case. Both of these aspects were in fact gone into and decided by the authority in the light of the investigation made by the officials of the Indian Oil Corporation and it was held that the respondent no.6 had a clear title of land and as the trial against him in the criminal case is still pending, he could not have been held to be disqualified for grant of Kisan Seva Kendra.

5. When these reasons were sought to be challenged in this writ application, the petitioner does not dispute either of the two facts as recorded in the impugned order in favour of the respondent no.6 but, then, he has now come out with some new ground which was never taken by him before the competent authority while filing the representation in terms of the earlier order of this Court.

6. It thus becomes clear that the petitioner is only trying to make fishy enquiry with regard to grant of Kisan Seva Kendra

in favour of the respondent no.6. In fact, this Court does not find any error in the decision making process or in the consideration of the representation of the petitioner.

7. That being so, this application must fail and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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