

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7845 of 2010

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Smt. Sudha Devi, W/O Sri Yogendra Pd. Yadav, R/O Vill.- Medhiyan, P.O.-
Daparkha, P.S.- Triveniganj, Distt.- Supaul

.... Petitioner

Versus

1. The Indian Oil Corporation Limited through Chairman Indian Oil Corporation
G-9 Ali Yavar Jungo Marg, Pandra Mumbai-400051
2. The General Manager, Indian Oil Corporation Ltd. 5th Floor, Loknaya Jai
Prakash Bhawan Dak Bunglow Chok, Patna
3. The Senior Regional Retail Sales Manager, Indian Oil Corporation Begusarai
Division, Barauni Refendari, Begusarai
4. The Manager (L.P.G.5) Bso, Indian Oil Corporation Ltd. (Marketing Division),
Loknaya Jai Prakash Bhawan (5th Floor) Dak Bunglow Chowk, Patna
5. The S.D.R.M. Begusarai, Indian Oil Corporation Ltd., Begusarai Division
Office, Barauni Oil Refindary, Begusarai
6. The Smt. Shimla Devi, W/O Ashok Kumar, C/O Sri Deleshwar Kamat, R/O
Vill.- Laximinia, P.O.- Mohaniya, P.S.- Triveniganj, Distt.- Supaul

.... Respondents

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Appearance :

For the Petitioner/s : Mr. JAI RAM SINGH, ADV.
For the Respondent/s : Mr. ANIL KUMAR SINHA, ADV.
MR. AMLESH KUMAR VERMA, ADV.
MR. ANKIT KATRIAR, ADV.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 17-03-2015

Heard the parties.

The matter at issue is award of dealership of Kishan
Sewa Kendra at Laximinia chowk in the district of Supaul on the
basis of advertisement dated 16.11.2006 and 11.08.2007 by the
respondent Indian Oil Corporation Limited.

The petitioner has filed the present writ petition under
Article 226 of the Constitution of India assailing the selection of
respondent no. 6 for award of dealership of Kishan Sewa Kendra at
the location in question primarily on the ground that the respondent
no. 6 has wrongly been allotted 78.73% marks after interview and

was empanelled as a first candidate and writ petitioner has wrongly been allotted only 74.75% marks. According to the learned counsel, the allotment of marks either to the petitioner or to the respondent no.6 are not correct and, therefore, selection of the respondent no. 6 is liable to be set aside by this Court.

At the very outset, it is to be noted that the petitioner had earlier approached this Court in C.W.J.C. No. 12600 of 2009 and the aforesaid writ petition was disposed of by order dated 08.10.2009 (Annexure-10) with a direction to the petitioner to file a fresh representation before the competent authority of respondent-Indian Oil Corporation Limited, which was directed to be considered and finally disposed of within a period of one month.

In the light of the aforesaid order dated 08.10.2009 (Annexure-10), the petitioner filed her representation raising her claims, which was finally considered and rejected by the order dated 20.11.2009 (Annexure-12 to the writ petition). However, the petitioner has not challenged the validity and correctness of the aforesaid order dated 20.11.2009 (Annexure-12) in the present proceeding.

The issues raised on behalf of the petitioner in the present writ application, essentially, are based on disputed questions of facts.

A counter affidavit has been filed on behalf of the respondents, wherein it is stated that respondent no. 6 was selected as first empanelled candidate for the location in question on the basis of interview held on 06.02.2008. It has further been stated that the complaint filed by the petitioner against the aforesaid selection process was investigated by the competent officer of the respondent Corporation, wherein the allegations raised by the petitioner were found not substantiated. It has next been stated that the letter of intent

was issued in favour of respondent no. 6 on 25.05.2009 and conditional letter of appointment was issued in favour of respondent no. 6 on 28.12.2009. It has further been contended by the respondents that Kishan Sewa Kendra was commissioned on 29.12.2009 and since then it is functional.

Apparently in the present writ petition, the petitioner has not only failed to challenge the validity and correctness of the order dated 20.11.2009 (Annexure-12), which was passed on the basis of remand order made by this Court but she has further failed to challenge the subsequent action of the respondent-Indian Oil Corporation Limited issuing letter of intent and letter of appointment in favour of the respondent no. 6. This Court also finds that though the matter has been argued for some time, but the learned counsel appearing on behalf of the petitioner has not been able to point out the violation of any condition of brochure or the guidelines issued by the Indian Oil Corporation Limited for allotment of marks to the candidates and simply on disputed questions of fact, it was claimed that petitioner was wrongly awarded less percentage of marks in the interview.

In the aforesaid factual matrixes, this Court does not find any legal infirmity or procedural irregularity in the decision making process. Hence, this Court is not inclined to accede to the prayer made on behalf of the petitioner for grant of relief sought for in the present writ petition.

Consequently, the writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J.)

Vats/-

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