

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2416 of 2010

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Rekha W/O Bijay Kumar, R/O Mahatma Gandhi Nagar, Kanti Factory
Road, P.S- Kankarbagh, Distt- Patna

.... Petitioner/s

Versus

1. Indian Oil Corporation, G-9 Ali Yavar Jung Marg, Bandra (East),
Mumbai- 400051
2. Indian Oil Corporation Loknayak Jai Praksh Bhavan 5th Floor, Dak
Bungalow Chowk, P.S- Kotwali, Distt- Patna through the General Manager
(Md)
3. Renu Devi W/O Subhash Prasad Yadav (Member Of Parliament) R/O
Gola Road, P.S- Danapur, Distt- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Jha
Mr. Sandeep Kumar

For the Respondent No.1 & 2 : Mr. K.D. Chatterji, Sr. Adv.
Mr. Amlesh Kumar Verma
Mr. Anil Kumar Sinha

For the Respondent No.3 : Mr. Amaresh Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 10-03-2015 Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of merit list as contained in Annexure-4, prepared on the basis of interview of the candidates held in the light of advertisement/ notice dated 17.10.2007 (Annexure-1), whereby the petitioner has been shown to have obtained 89.5 marks and the respondent no. 3 has been shown to have obtained 92.1 marks for allotment of LPG distributorship at Gola Road, Patna earmarked for open women category.

Learned counsel appearing on behalf of the petitioner submits that 92.01 marks allotted to the respondent no.3 thereby showing her as first candidate is wrong and incorrect. However,

despite repeated query he has not been able to show that the allotment of the marks either to the respondent no.3 or to the petitioner was contrary to the provisions of brochure or the terms of the advertisement issued by the respondent Corporation. In the whole writ petition, he has not stated anything to show that the allotment of marks either to the petitioner or to the respondent no.3 was contrary to any statutory provisions or any law.

Today a 2nd supplementary counter-affidavit has been filed on behalf of the respondent no. 1 and 2 stating therein that pursuant to the aforesaid selection process, letter of intent was issued to the respondent no.3 on 08.03.2010. It has further been stated that after completing the entire procedure, the letter of appointment was also issued to the respondent no.3 on 17.08.2010 for LPG distributorship at location in question. It has next been stated that the LPG distributorship was commissioned on 17.08.2010 and since then it is running successfully. Apparently, all the subsequent developments have not been brought on record by the writ petitioner and the subsequent action of the respondent Corporation has also not been challenged.

In above view of the matter, this Court is of the opinion that the relief sought for by the petitioner in the present writ petition cannot be granted. Consequently, the writ petition has to fail and is, accordingly, dismissed but without costs.

(Birendra Prasad Verma, J)

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