

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5756 of 2011

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Most. Veena Pandey W/O Late Sig Man Sita Sharna Pandey, R/O Village -
Nazirpur, P.O. - Nazirpur, Poloce Station - Rahioka, District - Madhubani
..... Petitioner/s

Versus

1. The Government of India, Department of Petroleum & Natural Gas,
Shastri Bhawan, New Delhi-110007
2. The General Manager-Cum-Managing Director, Indian Oil Corporation
Limited, Bihar State Office, Shahi Bhawan, Exhibition Road, Patna -
800001
3. The Deputy General Manager, Indian Oil Corporation Limited, Marketing
Division, Lok Nayak Jai Prakash Bhawan, Patna - 800001
4. The Senior Area Manager, Sri D.N. Datta, Indane Area Office, Shahi
Bhawan, Exhibition Road, Patna - 800001

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Jha
For the Respondent/s : Mr. K.D.Chatterji, Sr. Adv.
Mr. Amlesh Kr. Verma
Mr. Ankit Kr. Katriar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 03-07-2015 Heard the parties.

The matter at issue is the allotment of LPG distributorship at location Benipatti in the district of Madhubani by the respondent Indian Oil Corporation Limited on the basis of advertisement dated 17.10.2007 (Annexure-1). The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the order/communication dated 06.01.2010 (Annexure-15) issued by the respondent no.3, whereby representation filed on behalf of the petitioner in the light of the order dated 13.10.2009 passed in C.W.J.C. No. 11321 of 2009 (Annexure-12) has been rejected and it has been held that she was not eligible for allotment of LPG distributorship as she furnished wrong information and her candidature was rightly cancelled for the location in question.

Learned counsel appearing on behalf of the petitioner, while arguing the matter at great length, has submitted that the petitioner is a war widow and she is being harassed by the respondent Corporation. Therefore, according to him, since the petitioner was empanelled as a first candidate, her candidature ought not to have been cancelled by the respondent Corporation and she ought to have been awarded the LPG distributorship.

The matter has been contested by the respondents by filing a counter-affidavit on behalf of the respondent no. 2 to 4. In paragraph-10 of the aforesaid counter-affidavit it has been stated that the location in question was re-advertised on 18.05.2012. Whereafter fresh application was submitted by different eligible candidates and merit list was prepared afresh. However, subsequently candidature of new first empanelled candidate on the basis of the aforesaid advertisement was also cancelled and now, re-draw was held on 03.04.2015, wherein another candidate was declared to be a selected candidate.

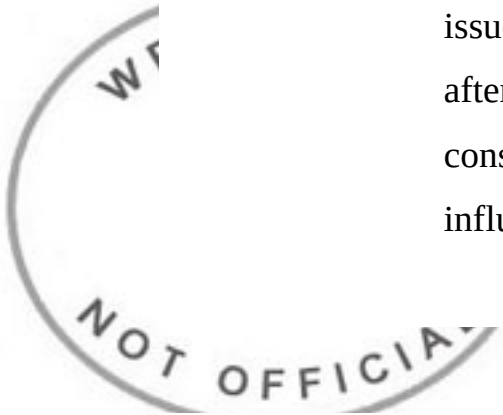
Evidently, all the aforesaid subsequent developments are not subject matter of challenge in the present proceeding. The entire claim of the petitioner is based on the basis of advertisement issued on 17.10.2007. Indisputably, the aforesaid advertisement stood cancelled in view of issuance of fresh advertisement on 18.05.2012 and fresh selection process for award of LPG distributorship has been initiated by the respondent Corporation.

In above view of the matter, this Court is of the considered opinion that the present matter has become infructuous. No relief can be granted to the petitioner in the present writ petition.

In the result, the writ petition has to fail and is,

accordingly, dismissed.

However, it is clarified that if any fresh advertisement is issued by the respondent Corporation and the petitioner applies after fulfilling all the conditions, then her candidature shall be considered afresh in accordance with law without being influenced/ prejudiced by rejection of the present writ petition.



(Birendra Prasad Verma, J)

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