

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17143 of 2010

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Raju Raja, S/O Late Shaligram Yadav, R/O Ward No. 12, Middle Chowk,
P.S.- Murliganj, Distt.- Madhepura

.... Petitioner/s

Versus

1. M/S Bharat Petroleum Corporation Ltd. through its Chairman and Managing Director having its registered office at Bharat Bhawan, 4 & 6 Currimbhoy Road, Ballard Estate, P.B. No. 688, Mumbai-400001
2. The Selection Committee, Bharat Petroleum Corporation Ltd., O/O Area Marketing Manager, 3rd Floor, Ashiana Chamber, Exhibition Road, Patna-800001
3. Area Marketing Manager, Bharat Petroleum Corporation Ltd., 3rd Floor, Ashiana Chamber, Exhibition Road, Patna-800001
4. Territory Manager, Bharat Petroleum Corporation Ltd., 3rd Floor, Ashiana Chamber, Exhibition Road, Patna
5. Binod Kumar Bafana, S/O Sri Hansraj Bafana, R/O Near Nirmal Kumar Jain, Middle Chowk, P.S.- Murliganj, Distt.- Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Gupta

For the Respondent nos.1to4: Mr. Madhuresh Prasad

For the Respondent no.5 : Mr.Siddharth Prasad

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 13-04-2015 Heard the parties.

The matter at issue is the award of retail outlet dealership of respondent Bharat Petroleum Corporation Ltd. at location Murliganj in the district of Madhepura under rural marketing plan.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India with a prayer for cancellation of empanelment of respondent no.5 as a first candidate for allotment of the aforesaid rural retail outlet dealership at location in question, and after such cancellation for consideration of the claim of the petitioner for allotment of the

aforesaid retail outlet dealership in his favour.

The only ground taken by the learned counsel appearing on behalf of the petitioner for cancellation of the empanelment of the respondent no.5 is that the retail outlet dealership was advertised on 11.07.2009 and the location in question has been earmarked for rural areas under the rural marketing plan, but the lands offered by the respondent no.5 for proposed outlet is not located in the rural areas, rather it is in the urban area of Murliganj. According to the learned counsel, on the above ground alone, the empanelment of the respondent no.5 is fit to be quashed and set aside. However, despite repeated query, learned counsel appearing on behalf of the petitioner has not been able to point out violation of any of the provisions of the advertisement as contained in Annexure-1 or any of the provisions of the brochure issued by the respondent B.P.C.L. as contained in Annexure-2.

The matter has been contested by the respondents. The respondent nos.1 to 4 as also respondent no.5 have filed their separate counter affidavits controverting the claims raised on behalf of the petitioner and resisting the prayer made in the present writ petition. Learned counsel appearing on behalf of the respondent nos.1 to 4 as also learned counsel appearing on behalf of the respondent no.5 are unanimous in their submissions that, as per the advertisement, as contained in Annexure-1, the location in question at Murliganj was notified as rural location. According to them, the stretch of the location advertised was on Bihariganj Road (and not on national highway) and it was located within two K.Ms. from Murliganj. Subsequently, by a corrigendum, the stretch of the location was extended up to 3 K.Ms. According to them, the lands offered by the respondent no.5 was within the



stretch of location so advertised vide Annexure-1. It was further contended that whether the lands offered by the respondent no.5 fall within the rural area or urban area was not the relevant consideration for allotment of retail outlet dealership. By referring to the clause 4 of the eligibility criteria of the brochure of the respondent B.P.C.L., it has been pointed out that for allotment of rural retail outlet only requirement was that the applicants must be residing in the concerned Block of the location so advertised. However, the resident of the concerned revenue village, where location has been advertised, was entitled to have 20 additional marks. According to them, so far the petitioner as also respondent no.5 are concerned, they are residents of the same revenue village and both of them were allotted 20 additional marks on that count. Hence, it is pleaded that no case for interference is made out by the petitioner. Therefore, the writ petition is liable to be dismissed.

After having heard the parties and on consideration of the materials available on record, this Court finds that the petitioner has not been able to show violation of any of the provisions either of the advertisement as contained in Annexure-1 or the brochure issued by the respondent B.P.C.L. as contained in Annexure-2. The petitioner has also not been able to show that for allotment of rural retail outlet dealership lands offered by a candidate, if it is within the stretch of the location advertised, must not fall within the urban area. The petitioner has further not been able to make out any case of discrimination much less the case of malafide against any of the official respondents.

In above view of the matter, the writ petition has to fail and is, accordingly, dismissed, but there shall be no order as to costs.

The interim order of stay dated 08.10.2010 passed by a Bench of this Court stands vacated.

(Birendra Prasad Verma, J)

Arvind/-

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