

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12965 of 2011

=====

Nilesh Raman Pathak S/O Revati Raman Pathak R/O Hospital Road, Civil Lines,
Buxar- 802101

.... Petitioner

Versus

1. The Hindustan Petroleum Corporation Ltd (A Govt. of India Enterprises)
Through Its Managing Director Registered Office-17, Jamshedji Tata Road,
Mumbai
2. The Managing Director, Hindustan Petroleum Corporation Ltd (A Govt. of India
Enterprises) Registered Office-17, Jamshedji Tata Road, Mumbai
3. The Senior Regional Manager, Patna LPG Region, 6th Floor, Lok Nayak Jai
Prakash Bhawan, Post Box No.- 40, Dak Bunglow Chowk, Patna- 800001

.... Respondents

=====

Appearance:

For the Petitioner : Mr. NARESH DIKSHIT, ADVOCATE

For the Respondents : Mr. LAXMI NARAIN DAS, ADVOCATE

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-10-2015

Heard learned counsel for the petitioner and learned counsel
for the respondent-Corporation.

2. The present writ petition has been filed for setting aside the
order as contained in letter No. Ref. PLRO/SKS/LPG dated 30.12.2010
(Annexure-6) issued under the signature of Senior Regional Manager
(Respondent No. 3) and for awarding the LPG distributorship at Buxar to the
petitioner.

3. It is submitted that the petitioner whose name appeared at
Sl. No. 3 of the merit list ought to have been awarded LPG distributorship
after the names of the candidates appearing at Sl. Nos. 1 and 2 of the merit
list were cancelled. It is submitted that the respondent-Corporation earlier
raised an objection on an entirely different footing in its letter dated



27.01.2011 to the effect that variance was found in course of field verification of credentials with regard to the details of income and financial assets as given in the application form, but subsequently the petitioner's candidature has been cancelled for an entirely different reason. Learned counsel for the petitioner has sought to rely on the application form and its enclosures to submit that an amount of Rs. 22,21,800/- by way of Fixed Deposit, NSC, Shares etc., was in fact duly available and has been correctly shown in the application form which was, however, not correctly considered by the respondent-Corporation.

4. Learned counsel for the respondent-Corporation on the other hand submits that the petitioner's candidature for the LPG distributorship has rightly been cancelled for the reason that he is in default of one of the essential conditions No. 14.2 of the advertisement requiring a minimum balance to be maintained in the Bank account for a period of three months from the date of application or date of interview, whichever is earlier. He refers to a chart submitted by the petitioner with his letter dated 03.03.2011 with detailed particulars of his Bank accounts and the balances therein on the date of application as well as the balances maintained during 90 days from the date of application. The balance in State Bank of India, Buxar Account No. 11327579109 has fallen from Rs. 78,471.93 to Rs. 70,012.31 while in State Bank of India, Buxar Account No. 30214770112 from Rs. 85,262.00 to Rs. 45,262.00. It is therefore, submitted that on the petitioner's own saying he has not satisfied the pre-condition and eligibility criterion in terms of his application. Learned counsel for the petitioner is unable to reconcile the situation and does not dispute the fact that there has been a marginal fall in the balances of the two Bank accounts during the period

under reference.

5. Having heard learned counsel for the parties and on consideration of the materials on record, this Court is of the view that the petitioner under the aforesaid circumstances cannot be granted relief. The advertisement in its terms and conditions given at clause 14.2 is clear and specific with regard to maintenance of balances in the Bank accounts for the three months' period which has admittedly not been maintained by the petitioner. The petitioner therefore has not fulfilled the eligibility criteria for award of the LPG distributorship.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran

U			
---	--	--	--