

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5550 of 2011

Dr. Bishwanath Prasad Singh, S/o Late Raj Narayan Singh, Permanent Resident of Mohalla – P & T Colony No.2, Dahiyawan, P.S. Chapra Town, District Chapra, presently resides: - Wing Commander (Retd.), B-124, Swarn Nagri, Greater Noida, District G.B. Nagar (U.P.)

.... Petitioner

Versus

1. M/S Indian Oil Corporation Ltd. having its Head Office at G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai through its Managing Director.
2. The General Manager, M/s Indian Oil Corporation Ltd., Bihar State Office, 5th Floor Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
3. The Deputy General Manager (LPG) Indian Oil Corporation Ltd., Bihar State Office, 5th Floor Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
4. The Chief LPG Manager, Indian Oil Corporation Ltd., Bihar State Office, 5th Floor Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
5. The State Retail Sales Manager (Lubes) Indian Oil Corporation Ltd., Bihar State Office, 5th Floor Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
6. Area Manager, Indian Oil Corporation Ltd. (M.D.), Indane Area Office, Shahi Bhawan, Ist Floor, Exhibition Road, Patna.

.... Respondents

Appearance :

For the Petitioner : Mr. Basant Kumar Singh, Advocate
For the Respondents: Mr. K.D. Chatterji, Sr. Advocate
Mr. Anil Kumar Sinha,
Mr. Amlesh Kr. Verma, Advocates

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-09-2015

The present writ petition has been filed for issuance of letter of intent in favour of the petitioner with regard to LPG Distributorship for Chapra in the district of Saran.

2. At the very outset, Mr. K.D. Chatterji, learned senior counsel for the respondent-Corporation, states that Sri Hiralal Prasad, who had been placed at serial no.1 of the selection list, had, pursuant to dismissal of his earlier CWJC No. 1208 of 2009, preferred LPA

No. 54 of 2010 wherein the respondent-Indian Oil Corporation Limited was directed to consider the grievance of Sri Hiralal Prasad the petitioner therein. It appears that upon consideration of his case by the respondent-Corporation, a fresh writ petition in CWJC No. 7944 of 2012 has been filed by him which is still pending before this Court.

3. A copy of the counter affidavit was served on the learned counsel for the petitioner as far back as on 10.07.2015 but no rejoinder thereto has been filed till date.

4. Considering that Sri Hiralal Prasad being the first empanelled candidate as well as Sri Asharfi Prasad Yadav being the second empanelled candidate were necessary parties who have not been impleaded as party respondents by the petitioner in the writ petition nor any such prayer having been made subsequently even after serving a copy of the counter affidavit, the writ petition clearly suffers from non-joinder of the said necessary parties and is not maintainable.

5. The writ petition therefore stands dismissed.

(Vikash Jain, J)

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