

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1799 of 2012

Rakesh Kumar Chaudhary, S/o Sri Suresh Prasad Chaudhary, R/o Village and P.O.-
Bandra, Police Station- Piyar, Anchal-Bandra, District- Muzaffarpur

.... Appellant

Versus

1. The Indian Oil Corporation Ltd. G-9, Ali Yavar Jung Marg, Bandra (East),
Mumbai-400051 Through its Managing Director
2. The Chairman-Cum-Managing Director, Indian Oil Corporation Ltd., G-9, Ali
Yavar Jung Marg, Bandra (East), Mumbai-400051
3. The General Manager, Indian Oil Corporation Ltd. Marketing Division, Eastern
Division, Indian Oil Bhawan-2, Garihat Road (South), Calcutta-700068
4. The Deputy General Manager, Indian Oil Corporation Ltd., Lok Nayak Jai
Prakash Bhawan, Old Dak Bunglow, Patna-1
5. The Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd.,
Maurya Lok Complex, Dak Banglow Road, Patna-1
6. The Area Manager, Indian Oil Corporation Ltd., Shahi Bhawan, Exhibition
Road, Patna
7. The Senior Manager (Retail Sales) Begusarai Sales Office, Indian Oil
Corporation Ltd., P.O.- Barauni Refinery, District- Begusarai
8. Ashok Kumar, S/o Name Not Known to the appellant, resident of Village-
Rampur Dayal, Police Station and P.O.- Piyar, District- Muzaffarpur

.... Respondents

Appearance :

For the Appellant : Mr. Ashok Kumar, Advocate.
Mr. S. Kumar, Advocate.
For the Respondents : Mr. Anil Kumar Jha, Sr. Advocate.
Mr. Sanat Kumar Mishra, Advocate.

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 28-07-2015

Heard learned counsel for the
appellant and the counsel for the Oil Company.

2. Learned Single Judge under the
impugned order dated 27.08.2012 passed in

C.W.J.C. No. 316 of 2006 has dismissed the writ petition holding that Letter of Intent having been issued on 08.12.2005, it may not be in public interest to entertain the writ petition after passage of six years.

3. Counsel for the Oil Company submits that the writ petition was not maintainable as petitioner-appellant chose not to implead the candidate placed at Serial No. 2 in the Panel as appellant-petitioner himself was at Serial No. 3 and without impleading Serial No. 1 i.e. Respondent No. 8 and Serial No. 2 in the Penal, the relief prayed for could not be granted.

4. I see substance in the aforesaid submission and the appeal is dismissed.

(V.N. Sinha, J)

(Jitendra Mohan Sharma, J)

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