

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3579 of 2010

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Bibha Devi W/O Shri Govindji Jha, R/O Vill Milki, P.O.Andoli, Distt- Darbhanga
.... Petitioner/s

Versus

1. Indian Oil Corporation Ltd., through its Territory Manager, Muzaffarpur
 2. Territory Manager, Indian Oil Corporation Ltd. Muzaffarpur
 3. Senior Divisional Retail Sales Manager, Indian Oil Corporation Limited (M.D.)
Begusarai Divisional Office, P.O. Barauni Refinery, Distt- Begusarai
 4. Sales Officer, Indian Oil Corporation Limited, Darbhanga
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Manish Kumar
For the Respondent/s : Mr. Anil Kumar Sinha
Mr. Amlesh Kr. Verma
Mr. Ankit Katriar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 19-02-2015

Heard the parties.

The matter at issue is allotment of retail-outlet dealership/ appointment of operator for Kisan Seva Kendra at location Kumai Nari in the district of Darbhanga, pursuant to advertisement dated 11.08.2007 (Annexure-1) issued by the respondent Indian Oil Corporation Limited.

It is common case of the parties that Kisan Seva Kendra at location Kumai Nari has been reserved for physically handicapped (female) category candidates. The petitioner and one more physically handicapped female candidate had applied for allotment of the aforesaid retail-outlet dealership. However, at the time of interview only the petitioner appeared and other female candidate did not turn up.

The grievance of the petitioner is that the lands offered by her for opening the Kisan Seva Kendra at location Kumai Nari were measured by the Land Evaluation committee of the respondent

Corporation in her absence and, therefore, she was wrongly granted Zero marks and consequently retail-outlet dealership has not been allotted to the petitioner, and she could not be appointed as operator of Kisan Seva Kendra for the location in question.

According to the learned counsel appearing on behalf of the petitioner, the entire lands offered by the petitioner could not be shown by her representative, i.e. her father and, therefore, the entire lands offered by the petitioner for opening of the Kisan Seva Kendra were not measured by the Technical committee of the respondent Corporation. It is contended by the learned counsel for the petitioner that if the lands by the petitioner are re-measured in her presence, then she would be able to satisfy the respondent Corporation that she fulfils the criteria for lands. Therefore, it is pleaded that a direction may be issued to the respondents to take re-measurement of the entire lands offered by the petitioner for opening of the retail-outlet dealership/ Kisan Seva Kendra at the location in question.

A counter-affidavit has been filed on behalf of the respondent no. 1 to 4 wherein it has been stated that since the petitioner did not fulfil the criteria and the adequate area of lands were not offered by her, therefore, she was allotted zero marks. However, it has not been stated in the counter-affidavit that the measurement of the lands was taken in presence of the petitioner, though it has been asserted that her representative was present there at the time of measurement.

It is not in dispute that the retail-outlet dealership/ Kisan Seva Kendra operatorship at the location in question has not been allotted to any one till date. As per telephonic instructions received by the learned counsel for the respondent no. 1 to 4 fresh selection process has not been started by the respondents for the location in

question. In the aforesaid factual matrix, this Court is of the considered opinion that since the retail-outlet dealership/ Kisan Seva Kendra operatorship at the location in question in the district of Darbhanga has not been allotted to any one else till date, the petitioner should be given one more opportunity to show that she has the required area of land for opening of the retail-outlet dealership/ Kisan Seva Kendra at the location in question. Therefore, the land offered by the petitioner is required to be re-measured.

The petitioner is hereby directed to appear before the respondent no. 3 with a certified copy of the present order within a period of one month from today, whereafter, as indicated above, if the retail-outlet dealership/ Kisan Seva Kendra Operatorship has not been allotted to any one else, then the lands offered by the petitioner shall be re-measured in her presence on the date fixed by the Lands Evaluation Committee of the respondent Corporation or any other competent Officer of the respondent Indian Oil Corporation. The petitioner shall be obliged to remain physically present on the date fixed. On re-measurement of the lands, if it is found that the petitioner fulfils the criteria for the lands, then her case shall be considered for grant of retail-outlet dealership/ Kisan Seva Kendra Operatorship for the location in question in accordance with law.

Entire exercise must be completed by the respondents within a maximum period of four months from the date of appearance of the petitioner before the respondent no.3, as indicated above.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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