

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23492 of 2013

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Pramod Kumar, son of Mathura Sah resident of village & P.O. Pirari, P.S. Inarwa,
District - West Champaran

.... Petitioner

Versus

1. Union of India through the Secretary, Ministry of Petroleum, New Delhi
2. Bharat Petroleum Corporation Limited (A Government of India Enterprises),
Patna LPG Territory through Its Territory Manager (LPG), Patna
3. Assistant Manager (OPS), LPG, Patna
4. Dharmendra Kumar, son of Binod Sah, resident of village + P.O. Pirari, P.S.
Inarwa, District West Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. Rabindra Nath Kanth,

Mr. Binod Kumar, Advocates

For the Respondents: Mr. Madhuresh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-09-2015

The present writ petition has been filed for quashing of the letter dated 05.09.2013 issued by respondent no.2 rejecting the petitioner's candidature for LPG distributorship, and for directing the respondents to award letter of appointment as LPG Distributor under Rajiv Gandhi Gramin LPG Vitrak Scheme in favour of the petitioner.

2. Learned counsel for the petitioner submits that under some misconception, he failed to give proper details of the land, but refers to the Industry Record Note dated 15.06.2010 with regard to Selection process of RGGLV in the Manual for Selection of RGGLV, paragraph 2 of which contemplates grant of opportunity to the petitioner for rectification of deficiencies.



3. Learned counsel for the respondents, on the other hand, submits with reference to the impugned order dated 05.09.2013 that the case of the petitioner has rightly been rejected on the ground that the land offered by the petitioner was situated in Padmaul village which was not the advertised location and not suitable for the purpose. It is further submitted that according to the petitioner's own representation dated 06.08.2013, the petitioner did not have any other own land suitable for LPG godown.

4. As regards the Industry Record Note, it is submitted that the grant of opportunity contemplated therein is only with reference to any deficiency in the application relating to ineligibility and cannot be extended to include cases where a plot of land was offered afresh by the petitioner after passing of the order of rejection.

5. Having heard learned counsel for the parties and on consideration of the materials on record, this Court does not find any merit in the writ petition.

6. It is not in dispute that the land offered by the petitioner in his application was situated in Pandaul and not in village Pirari, the latter being the location advertised and as such, no fault can be found in the impugned order dated 05.09.2013 holding that the said land was not suitable for the purpose of construction of LPG godown. This Court is of the view that the Industry Record Note dated

15.06.2010 cannot come under the rescue of the petitioner as the scope of grant of the opportunity contemplated therein must be understood with reference to deficiencies in the application and for rectification of the same rather than to extend the scope by allowing the petitioner to offer a fresh piece of land not mentioned in the application and that too after passing of the rejection order.

7. In the above circumstances, the writ petition stands dismissed.

(Vikash Jain, J)

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