

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.319 of 2012

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1. Amit Kumar Dubey S/O Giriwar Dubey R/O Village + P.O. + P.S. - Nauhatta,
District - Rohtas

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Petroleum Govt. of India, Shastri Bhawan, New Delhi
2. The Secretary, Ministry of Petroleum, Govt. of India, Shastri Bhawan, New Delhi
3. The Indian Oil Corporation through its Chairman, Address - G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai - 400051
4. The Chairman, Indian Oil Corporation through its Chairman, Address - G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai - 400051
5. The Managing Director, Indian Oil Corporation through its Chairman, Address - G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai - 400051
6. The Director Vigilance, Indian Oil Corporation Through Its Chairman, Address - G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai - 400051
7. The Senior Marketing Manager, Marketing Division (Eastern Region) Lok Nayak Jay Prakash Bhawan, 5th Floor, Dak Bunglow Road, Patna -1
8. The Senior Area Manager, Marketing Division (Eastern Region), Shahi Bhawan, 1st Floor, Exhibition Road, Patna - 1
9. The Area Manager (F)/ Patna AO. Marketing Division (Eastern Region), Shahi Bhawan, 1st Floor, Exhibition Road, Patna - 1
10. The Deputy Manager, (LPG-S)/ Patna AO, Marketing Division (Eastern Region), Shahi Bhawan, 1st Floor, Exhibition Road, Patna – 1

..... respondents 1st set

11. Prashant Kumar Singh S/O Sri Gangeshwar Singh R/O Village + P.O.- Yadunathpur, P.S.- Nauhatta, District - Rohtas
12. Smt. Hema Singh W/O Prashant Kumar Singh R/O Village + P.O.- Yadunathpur, P.S.- Nauhatta, District - Rohtas

.... Respondent 2nd set

With

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Civil Writ Jurisdiction Case No. 22620 of 2012

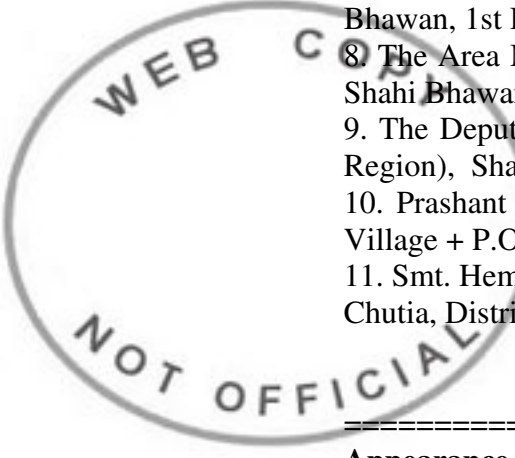
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1. Amit Kumar Dubey S/O Giriwar Dubey R/O Village + P.O. + P.S.- Nauhatta,
District- Rohtas

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Petroleum, Govt. of India, Shastri Bhawan, New Delhi
2. The Indian Oil Corporation through its Chairman, Address- G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051
3. The Chairman, Indian Oil Corporation, Address- G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051
4. The Managing Director, Indian Oil Corporation through its Chairman, Address- G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051
5. The Director Vigilance, Indian Oil Corporation through its Chairman, Address- G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051

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6. The Senior Marketing Manager, IOCL Marketing Division (Eastern Region), Shahi Bhawan, 1st Floor, Exhibition Road, Patna- 1
 7. The Senior Area Manager, IOCL, Marketing Division (Eastern Region), Shahi Bhawan, 1st Floor, Exhibition Road, Patna- 1
 8. The Area Manager (F)/ Patna AO, IOCL, Marketing Division (Eastern Region), Shahi Bhawan, 1st Floor, Exhibition Road, Patna- 1
 9. The Deputy Manager, (LPG-S)/ Patna AO, IOCL, Marketing Division (Eastern Region), Shahi Bhawan, 1st Floor, Exhibition Road, Patna- 1
 10. Prashant Kumar Singh S/O Sri Gangeshwar Singh @ Gopeshwar Singh R/O Village + P.O.- Yadunathpur, P.S.- Chutia, District- Rohtas
 11. Smt. Hema W/O Prashant Kumar Singh R/O Village + P.O.- Yadunathpur, P.S.- Chutia, District- Rohtas

.... Respondent/s

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Appearance :

(In CWJC No. 319 of 2012)

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Adv.

For the Respondent/s : Mr. Sanjay Kumar, A.S.G.

(In CWJC No. 22620 of 2012)

For the Petitioner/s : Mr. Ramanuj Tiwary, Adv.

For the Respondent/s : Mr. Sanjay Kumar, ASG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-11-2015

Heard Mr. Ashutosh Kumar Pandey learned counsel for the petitioner and Mr. K.D. Chatterjee learned counsel for the Indian Oil Corporation in the two writ petitions which have been heard analogous and with consent of the parties are being disposed of at the stage of admission itself.

For the sake of convenience I shall be referring to the parties, pleadings and annexures as occurring in C.W.J.C.No.319 of 2012 unless clarified by specific reference to the other writ petition.

The two writ petitions have been filed by the petitioner for almost identical grievances. C.W.J.C.No.319 of 2012 was initially



filed by the petitioner questioning the candidature of the private respondent Nos. 11 and 12 to the selection of dealership inter alia on ground that they are non-resident of the advertised location and thus praying for a direction to the respondents to enquire into the issue of residence. The writ petition was subsequently sought to be amended by filing an interlocutory application bearing I.A.No.3006 of 2012 for questioning the order dated 28.3.2012 whereby the candidature of the petitioner himself has been cancelled inter alia on grounds that the land offered by him is not situated in the advertised location. While the contest was pending consideration before this Court in C.W.J.C.No.319 of 2012 that the dealership has been awarded to the respondent No.11 vide order passed on 18.8.2012 and which is impugned in the second writ petition.

As stated above, the sole ground on which the candidature of the petitioner has been cancelled is that the land offered by him for construction of the godown is not situated in the advertised location. It is rather surprising that even before the Selection Committee could reach its conclusion that the petitioner sought to preempt the selection process by questioning the candidature of the respondent Nos. 11 and 12 inter alia on grounds of residence. It is a different matter as informed by Mr. K.D. Chatterjee learned Senior counsel that the candidature of the respondent No.12 has been rejected on grounds



of residence by the selection Board of the Oil Company and which was questioned by the respondent No.12 Hema Singh in C.W.J.C.No.14817 of 2014 and vide order passed on 12.11.2014 the writ petition has been disposed of with liberty to the petitioner to raise her grievance before the Corporation. This, in my opinion, would conclude the contest in between the petitioner and the respondent No.12.

In so far as the respondent No.11 is concerned, he has been found complete in all respects and thus the dealership has been allotted in his favour. It is again stated by Mr. Chaterjee that although initially a selection order was passed which is impugned at Annexure-1 to the 2nd writ petition but subsequently the respondent No.11 Prashant Kumar Singh, who happens to be the husband of the respondent No.12 has opted out of the contest voluntarily and thus none of the candidate(s) short listed in the selection remain in the contest. In view of the submission made at the bar by Mr. Chaterjee, the challenge by the petitioner to the selection of the respondent No.11 namely Prashant Kumar Singh also becomes academic and C.W.J.C.No.22620 of 2012 is disposed of accordingly.

Reverting back to the C.W.J.C.No.319 of 2012 even when the challenge of the petitioner to the candidature of the respondent No.12 stands disposed in the light of the order passed in

C.W.J.C.No.14817 of 2014, it is to be seen whether the petitioner has made out a case for indulgence in his favour in the light of the prayer made in I.A.No.3006 of 2012 whereby the petitioner has questioned his cancellation of candidature.

As I have already observed the limited grounds on which the candidature of the petitioner has been rejected is that the land offered by him for construction of the godown does not fall within the advertised location. Although it has been strenuously argued by Mr. Pandey that Mauza-Harnaut where the land offered by the petitioner is situated, forms part of Mauza Nauhatta but his arguments falls flat in view of the description of the land present in the land possession certificate issued by the Circle Officer submitted by the writ petitioner which clearly mentions that the land so offered by the petitioner is situated in Muaza- Harnaut. Apart therefrom there is no other document on record to support the contention of the petitioner that Mauza- Harnaut forms part of the advertised location. The advertisement is placed on record vide Annexure-9 and Clause 3 thereof does not leave any room for confusion that the land so offered by a candidate should be situated in the advertised location. The petitioner applied against the Rajiv Gandhi Gramin LPG Scheme ('RGGLV' for the sake of brevity) and the location against which she applied appears at Serial No.49 of the advertisement which clearly

mentions the advertised location as 'Nauhatta' and 'Lohara' in the district of Rohtas. The application form enclosed by the petitioner along with Annexure-10 also in its Column 9 confirms that the land has to be situated in the advertised location. The document submitted by the petitioner in support of the land also forms part of Annexure-10 and confirms that it is situated neither in Mauza Nauhatta nor in Mauza Lohara. Both the villages are stated to fall within block Nauhatta in the district of Rohtas.

Although it is canvassed by Mr. Pandey that Mauza-Harnaut also falls within Block Nauhatta and forms part of Mauza Nauhatta but again as I have already discussed that there is nothing on record which confirms this position and in view of clear position present in the advertisement as well as in the application form which requires the candidate to possess the land at the advertised location in my opinion, the decision of the Selection Committee to cancel the candidature of the petitioner impugned at Annexure-8 of the interlocutory application bearing I.A.No.3006 of 2012 inter alia on grounds that it does not situate in the advertised location suffers from no infirmity.

Finding no cause for grant of indulgence in either of the two writ petitions, these two writ petitions and the interlocutory applications are disposed of.

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(Jyoti Saran, J)