

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1905 of 2011

=====

Rana Pratap Singh son of Dr.Kaushal Kishore Singh, resident of village & P.O. Dumri, P.S.Manjhiu, District Saran

.... Petitioner/s

Versus

1. The Bharat Petroleum Corporation limited through its Chairman-cum-Managing Director having its registered office at Bharat Bhawan, 4 & 6th Currimbhoy Road, Ballard Estate, Mumbai 400001
2. The Chairman-cum-Managing Director, BPCL, Bharat Bhawan, 4 & 6 Currimbhoy Road, Ballard Estate, Mumbai 400001
3. The Regional LPG Manager, East , BPCL,Bharat Bhawan, Kolkatta
4. The Territory Manager, Bharat Petroleum Corporation Ltd. Asiana Chamber, 3rd Floor, Exhibition Road, Patna
5. Lalit Narain Singh son of Rangeela Singh, Lalit Bharat Gas, P.O.Jalalpur, P.S.Jalalpur, District Chapra
6. Sunil Kumar Singh son of Banaras Singh, resident of village Jalalpur, P.S.Jalalpur, District Chapra, Saran
7. Anil Kumar Singh son of Dasarath Singh, resident of village Dhauri Gopal, P.S.Madanpur, Sahjitdpur, District Chapra, Saran

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
Mr.Abhimanyu Deo, Advocate

For the Respondent Nos. 1 to 4 : Mr. Madhuresh Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 19-05-2015

Heard the parties.

2. The petitioner has filed the present writ petition under Article 226 of the Constitution of India with a prayer to quash the panel of candidates prepared for award of LPG distributorship at location Jalalpur, District-Saran under open category on the basis of advertisement dated 17.10.2007 and also for a direction to the respondent nos. 1 to 4 for holding interview afresh of all the eligible candidates including the petitioner.

3. Learned counsel appearing on behalf of the petitioner, by referring to the averments made in paragraph 7 of the writ petition, submits that though the petitioner was placed at

4th position in the merit list/panel prepared by the respondent BPCL but difference of marks between the petitioner and that of the first empanelled candidate is just 2.33%. According to him, for the reasons disclosed in the writ petition, a fresh interview of all the candidates is required to be conducted by the respondent Corporation.

4. The matter has been contested by the respondent Corporation and its officials/functionaries by filing a counter affidavit on behalf of the respondent nos. 1 to 4. Learned counsel appearing on behalf of the aforesaid respondents, by referring to the averments made in paragraphs 8 and 9 of the aforesaid counter affidavit, submits that letter of intent was issued to first empanelled candidate namely, Lalit Narain Singh (respondent no.5) way back on 14.12.2009. Subsequently, letter of allotment was also issued to him on 22.03.2010. It is further contended that LPG distributorship was commissioned on 25.03.2010 and since then, it is functioning. According to the learned counsel, all the subsequent developments have not been challenged in the present writ petition filed on behalf of the petitioner. Therefore, it is contended that, in absence of challenge to those subsequent developments, the writ petition is liable to be dismissed.

5. After having heard the parties and on consideration of the materials available on the record, this Court finds that indisputably, subsequent actions taken/orders passed by the respondent Corporation are not the subject matter of challenge in the present writ petition. Though the writ petition was filed way back on 28.01.2011 and was argued at least on three previous occasions but no stay order was granted to the petitioner. Therefore, all the subsequent actions taken by the respondent

Corporation and its functionaries cannot be held to be bad in law or contrary to any direction issued by this Court. It appears that, in view of subsequent developments which have not been assailed by the petitioner, the present matter has practically become infructuous.

6. For the reasons recorded above, the writ petition stands dismissed as infructuous.

7. However, the petitioner, if so advised, shall be at liberty to challenge those subsequent developments/actions of the respondent Corporation in an appropriate proceeding before an appropriate Forum/Court.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--