

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3244 of 2009

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Dharmendra Kumar Sharma s/o Late Ramji sharma, Resident of Village
Atardah, P.O. Ramna, P.S. Sadar, District Muzaffarpur.

.... Petitioner/s

Versus

- 1.Union of India through the Secretary, Ministry of Petroleum and Natural Gas, Govt.of India, New Delhi.
- 2.The Indian Oil Corporation Ltd. New Delhi through its Chairman, Scone Complex, Lodi Rd. New Delhi-3.
- 3.The Executive Director, Indian Oil Corporation Ltd. Indian Oil Bhawan Eastern Region-2, Goriya Halt Rd. (South) Dhakurai, Kolkata 700068
- 4.The General Manager, Indian Oil Corporation Limited-2, Goriya Halh Road, Kolkata-700068
- 5.The Deputy General Manager, B.S.O. Indian Oil Corporation Ltd., Marketing division, Eastern Chowk, Patna-800001.
- 6.The Chief Divisional Manager, Indian Oil Corporation Limited (Marketing Division), Patna, Division Officer, Mourya Lok, Patna-800001.
- 7.The Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd., Marketing Division, Eastern Region, Block-A, Mourya Lok complex (IIIrd Floor), Dak Banglow Road, Patna-1.
- 8.The Zonal Manager, Indane Area Officer, Indian Oil Corporation Ltd.Shahi Bhawan, Ist Floor, Exhibition Road, Patna-800001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deo Narain Yadav, Adv & Mr. Saroj Kumar, Adv

For the I.O.C. : Mr. Anil Kumar Jha, Adv, Mr. Sanat Kumar Mishra, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 12-01-2015 Heard learned counsel for the parties.

Having regard to the fact that the grievance of the petitioner raised in this writ application was/is that he was not allowed to appear in the interview for selection of L.P.G. distributorship in pursuance of an advertisement issued on 17.10.2007 and the respondents



by filing their counter affidavit having explained that the petitioner in course of such selection was found ineligible, this Court will go to hold that this writ application has become infructuous primarily because ten candidates in all were under zone of consideration out of whom six of them including the petitioner were found to be ineligible on account of invalid OSP (Outstanding Sports Personality) certificates and three of them were found to be ineligible as they were absent. Thus when the only-eligible candidate left in the race had secured 37.5 marks the entire selection process was scrapped on the ground that no one had secured minimum qualifying marks and as such the selection of the distributorship could not have been made.

In that view of the matter, this writ application now cannot yield any benefit to the petitioner particularly when it relates to an advertisement of the year 2007 in which selection process has already been completed and scrapped in the year 2009.

That being so, this writ application is, wholly misconceived and is, accordingly, dismissed.

It is however made clear that dismissal of this writ application will not come in the way of the respondents in advertising the location for which the earlier advertisement was issued and if the petitioner is found eligible his case may also be considered in accordance with law.

(Mihir Kumar Jha, J)

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