

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.10585 of 2011

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1. Ajay Kumar Singh Badan Singh Resident Of Village-Daudpur, P.S-Daudpur, District-Saran At Chapra.

.... .... Petitioner/s

Versus

1. The Union Of India Through The Secretary Petroleum And Natural Gas Department, Govt. Of India.
2. The Indian Oil Corporation, Through Its Chairman, Having Its Registers Office At Ali Jawan Jung Marg, Bandra (East), Mumbai.
3. The General Manager, Indian Oil Corporation Limited Bihar State Office, Loknayakan Jayaprakash Bhawan 5th Floor, Dak Bungalow Chowk, Patna.-800001
4. Indian Oil Corporation Limited (M.D.), Muzaffarpur Divisional Officer, Krishna Complex, Akharaghat Road, Muzaffarpur.(D.R.S.M.)
5. Uma Shankar Singh Prabhu Nath Singh Belkunda, P.O-Kishunpur, Via-Jalapur, District-Saran-841412, Bihar.
6. Mohan Prasad Gupta Village- Dayalpur, P.O-Dayalpur, District-Saran, Bihar
7. Gajendra Kumar Singh Gram -Noorganag, P.O-Kanhi, Via-Jalapur Bazar, District-Saran Bihar.

.... .... Respondent/s

with

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### Civil Writ Jurisdiction Case No. 17795 of 2011

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1. Satyendra Narayan Singh Son Of Late Uma Shankar Singh Resident Of Village-Mehiyan, Post- Gurukul Mehiyan, Police Station- Chapra Mufassil, District- Saran, Bihar

.... .... Petitioner/s

Versus

1. The Union Of India Through The Secretary, Petroleum And Natural Gas Department, Government Of India
2. The Indian Oil Corporation Limited Through Its Chairman, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051( India)
3. The General Manager-Cum-State Officer, Indian Oil Corporation Limited (Marketing Division), Bihar State Office, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Road, Patna
4. The Indian Oil Corporation Limited (Marketing Division) Through The Sr. Divisional Retail Sales Manager Muzaffarpur Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur
5. The Indian Oil Corporation Limited, Eastern Division, Indane Area Office, Sahi Bhawan, Exhibition Road, Patna- 800001
6. The Dealer Selection Committee, Indian Oil Corporation Limited (Marketing Division), 1st Floor, Bihar Industries Association Building, Sinha Library Road, Patna- 800001
7. Sri Uma Shankar Singh Son Of Sri Prabhu Nath Singh Resident Of Belkunda,

- Post Office- Kishunpur, Via- Jalalpur, District- Saran- 841205, Bihar
8. Sri Mohan Prasad Gupta Resident Of Village- Dayalpur, Post Office- Dayalpur, District- Saran, Bihar
9. Sri Gajendra Kumar Singh Resident Of Gram Noornagar, Post Office- Kanhi, Via - Jalalpur Bazar, District- Saran, Bihar
10. Sri Ajay Kumar Singh Son Of Shri Badan Singh Resident Of Village, Post Office And Police Station- Daudpur, District- Saran- 841205

.... .... Respondent/s

with

**Civil Writ Jurisdiction Case No. 14033 of 2010**

1. Ajay Kumar Singh S/O Sri Badan Singh R/O Vill Daudpur, P.S.Daudpur, Distt- Saran At Chapra

.... .... Petitioner/s

Versus

1. The Union Of India , Through The Secretary, Petroleum & Natural Gas Department Govt. Of India
2. The Indian Oil Corporation , Through Its Chairman Ali Jawan Singh, Baudha (East), Mumbai
3. General Manager , Indian Oil Corporation Limited (M.D.) Bihar State Office , Loknayaak Jaiprakash Bhawan (5th Floor), Dak Bunglow Chowk, Patna-800001
4. Indian Oil Corporation Limited (M.D.) Muzaffarpur Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur
5. Director(Marketing) Govt. Of India, Ministry Of Petroleum & Natural Gas, Shastri Bhawan, New Delhi

.... .... Respondent/s

with

**Civil Writ Jurisdiction Case No. 14562 of 2010**

1. Satyendra Narayan Singh S/O Late Uma Shankar Singh R/O Vill.- Mehiyan, Post- Gurukul Mehiyan, P.S.- Chapra Muffasil, Distt.- Saran, Bihar

.... .... Petitioner/s

Versus

1. The Union Of India Through The Secretary Petroleum And Natural Gas Department, Government Of India
2. The Indian Oil Corporation Limited Through Its Chairman G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai-400051 (India)
3. The Indian Oil Corporation Limited, Eastern Region Indane Area Office, Sah Bhavan, Exhibition Road, Patna-800001
4. The Dealer Selection Committee Indian Oil Corporation Limited (M.D.), 2nd Floor, Bihar Industries Association Building, Sinha Library Road, Patna-800001
5. Ajay Kumar Singh S/O Shri Badan Singh R/O Vill.- Post Office And P.S.- Daudpur, Distt.- Saran- 841205
6. Senior Divisional Retail Sales Manager Muzaffarpur Divisional Office, Krishna

Complex, Akharaghat Road, Muzaffarpur

.... Respondent/s

**Appearance :**  
**(In CWJC No. 10585 of 2011)**

For the Petitioner/s : Mr. Arshad Alm, Adv.  
Mrs. Poonam Singh,  
Mr. Fakruddin Ali Ahmad, Adv.  
For the UIO : Mrs. Kanak Verma, Adv.  
For the IOC : Mr. Ail Kumar Sinha, Adv.  
Mr. Amlesh Kumar Verma, Adv.  
For Res.No.5 : Mr. Ajay Kumar Sinha, Adv.

**(In CWJC No. 17795 of 2011)**

For the Petitioner/s : Mr. Gyan Prakash, Adv.  
For the UIO : Mrs. Kanak Verma, Adv.  
For the IOC : Mr. Ail Kumar Sinha, Adv.  
For Res.No.5 : Mr. Arshad Aam, Adv.  
For other respondents: Mr. Amlesh Kumar Verma, Adv.  
Mr. Rakesh Kumar Singh, Adv.  
Mr. Ajay Kumar Sinha, Adv.  
Mr. Sunil Kumar, Adv.

**(In CWJC No. 14033 of 2010)**

For the Petitioner/s : Mr. Arshad Alm, Adv.  
Mrs. Poonam Singh,  
Mr. Fakruddin Ali Ahmad, Adv.  
For the UIO : Mrs. Kanak Verma, Adv.  
Mr. Rakesh Kumar Verma, Adv.  
For the IOC : Mr. Ail Kumar Sinha, Adv.  
Mr. Amlesh Kumar Verma, Adv.  
For Res.No.5 : Mr. Ajay Kumar Sinha, Adv.  
For intervener : Mr. Gyan Prakash, Adv.  
Mr. Ajay Kumar Sinha,  
Mrs. Manju Jha, Adv.

**(In CWJC No. 14562 of 2010)**

For the Petitioner/s : Mr. Gyan Prakash, Adv.  
For the UIO : Mrs. Kanak Verm, Adv.  
For the IOC : Mr. Ail Kumar Sinha, Adv.  
For Res.No.5 : Mr. Arshad Aam, Adv.  
For other respondents: Mrs. Poonam Singh,  
Mr. Rakesh Kumar Singh, Adv.  
Mr. Ajay Kumar Sinha, Adv.  
Mrs. Manju Jha, Adv.

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 06-02-2015**

Shivaji Pandey,J

Heard counsel for the petitioners and the respondents.

All these four cases arise out of common dispute and hence they are being disposed of by this common order.

The case has checkered history as the litigation is going on since 2000. This Court feels that the resolution of the dispute is still far away in view of the counter affidavit filed by the IOC from where it emerges that even the 2<sup>nd</sup> merit list itself has been shown defective one on the ground of giving marks applying wrong method.

The short facts of the case is that on 9<sup>th</sup> May 2000, a notice was published for appointment of dealer of kerosene oil at Jalalpur in the district of Saran. A further advertisement was issued on 1<sup>st</sup> November 2000 for the same. In pursuance thereof, parties to the writ applications applied. Petitioner Satyendra Narayan Singh of CWJC No. 17795 of 2011 was given an interview letter for appearance in the interview accordingly, the petitioners appeared in the interview on 17<sup>th</sup> November 2003 and produced all the supporting documents, such as lease deed for 30 years for 6 katha, 1 dhur and TDR of Rs.5,00,000/- (five lacs) and also the owner book of Truck, including the educational qualification.

The Interview Board published the result, in the merit list, Ajay Kumar Singh was shown at sl. No.1 and thereafter Satyendra Narayan Singh, Hem Narayan Singh, Umeshwar Prasad Sinha and Arun Kumar Rai were shown at sl. Nos. 2, 3, 4 and 5 respectively.

As per claim of the petitioners, on 16<sup>th</sup> November 2003, Satyendra Narayan Singh had filed complaint raising a grievance of applying wrong method in granting marks to the candidate s.

On 29<sup>th</sup> September 2004, IOC issued letter to Satyendra Narayan Singh asking him to furnish the details about his complaint and, accordingly, he supplied the same on 14<sup>th</sup> October 2004 but no decision was taken. Ultimately,

petitioner Satyendra Narayan Singh moved this Court in CWJC No. 13278 of 2003 which was disposed of on 23<sup>rd</sup> September 2005 with a direction to dispose of the representation of Satyendra Narayan Singh. Accordingly, the representation of Satyendra Narayan Singh was disposed of and IOC vide order dated 17<sup>th</sup> February 2010 cancelled the panel.

Against that Ajay Kumar Singh filed CWJC No. 14033 of 2010 in which Satyendra Narayan Singh had filed I.A.No. 7598 of 2010 for intervention which was allowed on 27<sup>th</sup> August 2010.

Satyendra Narayan Singh filed an application to issue LOI in his favour on the ground that the marks granted to Ajay Kumar Singh was wrong and as he was the 2<sup>nd</sup> person in the merit list, should be given the licence. The IOC did not oblige Satyendra Narayan Singh rather vide letter dated 9<sup>th</sup> August 2010 asked the parties to appear in fresh interview.

On 2<sup>nd</sup> September 2010 Ajay Kumar Singh and Satyendra Narayan Singh appeared in the interview and Satyendra Narayan Singh filed CWJC No. 14562 of 2010 challenging the fresh selection. Ajay Kumar Singh had also challenged the selection vide CWJC No. 14033 of 2010, the order was passed on 1<sup>st</sup> September 2010 to the effect that final result will be subject to result of the writ petition.

On 3<sup>rd</sup> September 2010, a second panel was prepared in which Uma Shankar Singh has been shown at the top, Mohan Prasad Gupta at sl. No.2 and Gajendra Kumar Sinha at sl. No.3. That has been challenged by Ajay Kumar Singh in CWJC No. 10585 of 2011.

Ajay Kumar Singh has challenged the result and on the ground that he was shown at sl. No.1 at the 1<sup>st</sup> interview, the manner and scale has been applied in granting marks itself is wrong and Satyendra Narayan Singh also

challenged the same in CWJC No. 17795 of 2011 raising objection in the manner marks has been awarded to the parties, but it's not the end of the matter.

From the counter affidavit of the IOC it appears that again the Selection Committee committed a mistake in granting marks as it has been mentioned hereinbelow:

“Before submitting our counter affidavit, it was decided to check the mark sheet of the interview held in 2010 to find out as to why the candidates empanelled in the earlier merit list could not make to the new merit panel. During the course of this check it was found that the 2<sup>nd</sup> interview committee had also made some mistakes in awarding marks.

- 1) Parameter “Banker’s Certificate for credit worthiness” 5 marks were to be allotted if a candidate had submitted a certificate from a Bank and 0 marks if he/she had not done so. It is observed that the committee had awarded marks to candidates who had submitted filled in “Self Undertaking” as per Annexure-2 of the application form, which is incorrect as per guidelines.

In some cases, they have awarded marks between 0 and 5, i.e. 2.8 or 4.2 etc. whereas it should have been either 0 or 5.

- (2) Marks were not awarded correctly to the first and the second empanelled candidates for the parameter “Other assets”. Both were marked 0, whereas they should have

got 5 marks.”

It also appears from the counter affidavit that the application was filed by Ajay Kumar Singh to the Committee of Petition and there direction was given for issuance of LOI to Ajay Kumar Singh and the Corporation has submitted its report and pointed out the illegality committed in giving marks.

It has been submitted by the counsel for the petitioners that the Hon'ble Single Judge in CWJC No.11985 of 2006 (Rambha Sinha v. Union of India and others) along with CWJC No. 11447 of 2006 (Ajay Kumar Singh v. The Union of India and others) (Annexure-8) has given direction to the IOC to implement the recommendations of the Parliamentary Petitions Committee.

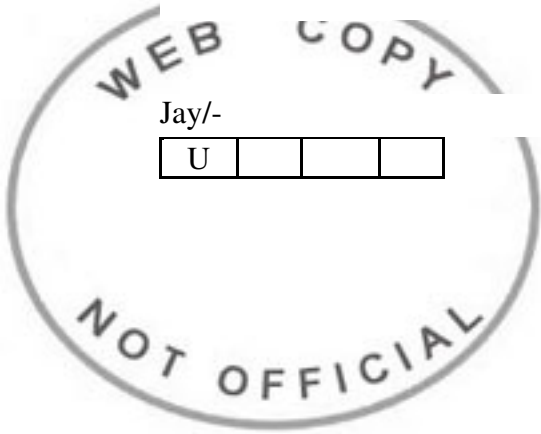
That was challenged in LPA No. 744 of 2008 and LPA No. 745 of 2008 and the order was set aside and the matter was again remanded back to the IOC.

In such view of the matter, when there is no chance of resolution of the dispute in near future and parties are also agreeable for fresh advertisement for resolution of dispute, only their prayer is that if a fresh advertisement is published, if need be, they should be given the benefit of age relaxation.

In view of the submissions made by the parties, the IOC is directed to issue a fresh advertisement inviting application from the desirous candidates with regard to appointment of distributor at Jalalpur in the district of Saran giving benefit of age relaxation only to the petitioners to participate in the interview and selection would be made in terms of new circular issued from time to time.

It is desirable that in the ends of justice, the IOC should initiate the process of selection as early as possible, preferably within six months.

With the above observation/direction, these writ petitions are  
disposed of.



**(Shivaji Pandey, J)**