

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19497 of 2010

=====

Anita Kumari, D/O Late Baldeo Das, R/O Housing Colony, Near T.V. Tower, Kankarbagh, P.S.- Agam Kuan, Distt.- Patna

.... Petitioner/s

Versus

1. The Union of India through Secretary Ministry of Petroleum Department, South Block, New Delhi
2. The General Manager Indian Oil Corporation, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Patna-1
3. The Senior Area Manager Indian Oil Corporation, Sahi Bhawan, First Floor, Exhibition Road, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5
Mr. Prakash Sahay
For the Respondent/s : Mr. Anil Kumar Sinha
Mr.Amlesh Kumar Verma

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 28-04-2015 Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the letter dated 29.10.2010 (Annexure-3) issued by the respondent no.3, whereby the petitioner was called upon to appear before the selection committee for re-interview on 01.12.2010 for allotment of LPG distributorship SC category at location Patepur in the district of Vaishali on the basis of the advertisement dated 17.10.2007.

The learned counsel appearing on behalf of the petitioner is seeking to challenge the impugned communication only on the ground that in the first merit list prepared by the respondent Indian Oil Corporation the petitioner was placed at 2nd position. According to the petitioner, the first candidate has withdrawn her/his claim and, therefore, she, being the next

candidate in the panel ought to have been allotted the LPG distributorship at the location in question.

The matter has been contested by the respondents by filing counter affidavit as also supplementary counter affidavit on behalf of the respondent nos.3 and 4. From plain reading of the impugned communication/letter dated 29.10.2010, it is evident that the first merit list prepared on the basis of the interview held from 29.06.2009 to 04.07.2009 was cancelled by the respondent Corporation, as the interview held earlier was held to have vitiated.

Learned counsel appearing on behalf of the respondents submits that wrong marks were awarded by the interview committee to the different candidates. Therefore, the respondent Corporation, after receiving complaints, got the matter investigated and finally took a decision to cancel the entire merit list and to prepare a fresh merit list. In the aforesaid counter affidavit, it has been stated that fresh interview of the eligible candidates was held and after preparation of fresh merit list one Rajeev Kumar was empanelled as first candidate and L.O.I. was issued in his favour on 06.06.2011. It has further been stated that the letter of appointment was issued to him on 12.12.2011 and finally LPG distributorship was commissioned on 14.12.2011.

Indisputably, in the present proceeding, the aforesaid subsequent developments have not been challenged by the petitioner. Even aforesaid Rajeev Kumar, in whose favour the LPG distributorship has been allotted, has not been impleaded as party respondent. Hence, the present writ petition suffers from non-joinder of necessary parties.

For the reasons recorded above, this Court does not find

any good ground to accede to the prayer made on behalf of the petitioner. The relief sought for in the present writ petition, in the factual matrixes of the case, seems to be completely misconceived and untenable.

The writ petition is, resultantly, dismissed, but there shall be no order as to costs.

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--