

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1623 of 2014

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Asif Ali, Son of Ajamat Ali resident of Village - Bathua Bazar, P.S. Fulwariya and District - Gopalganj

.... Petitioner

Versus

1. The Union of India through the Secretary Department of Petroleum and Natural Gas, New Delhi
2. The Managing Director, Indian Oil Corporation, Muzaffarpur Division Office, Krishna Complex, Akhanghat Road, Muzaffarpur
3. The General Manager, Retail Sales Bihar State Branch, Indian Corporation Ltd. Lok Nayak Jay Prakash Bhawan, Dakbungalow Chowk, Patna
4. The Senior Divisional Retail Sale Divisional Marketing Division, Eastern Region Indian Oil Corporation Ltd., Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Manan Kumar Mishra, Sr. Advocate
Mr. Vishwajeet Kr. Mishra, Advocate
For the Union of India: Mr. Shyam Bihari Singh, C.G.C.
For the IOC : Mr. Anil Kumar Jha, Sr. Advocate
Mr. Sanat Kumar Mihsra, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-12-2015

The present writ petition has been filed for a direction to the respondent-authorities to issue licence of dealership for retail outlet for Kisan Seva Kendra at the centre where the petitioner applied.

2. Learned counsel for the petitioner states that pursuant to the advertisement dated 19.08.2011, the petitioner applied for dealership for retail outlet for Kisan Seva Kendra to the respondent-Indian Oil Corporation Limited but his candidature has been rejected in terms of the impugned letter no. 722 dated 21.06.2013, observing



that the land offered by the petitioner was situated at a distance of 500 meters from Line Bazar which therefore did not meet the requirements of the advertisement where the land had to be between 1 kilometer and 3 kilometers from Line Bazar. It is submitted that the land in question was subsequently got measured at the instance of the petitioner which was reported to be within the distance advertised and that the petitioner has wrongly been disqualified.

3. Learned senior counsel, Mr. Anil Kumar Jha, appears on behalf of the respondent-Corporation and submits that the petitioner's candidature has rightly been rejected. Even on earlier occasions i.e. on 25.04.2012 and 24.07.2012, the reports of the Land Evaluation Committee and the Interview Committee were supplied to the petitioner, whereby the land of the petitioner was found to be outside the advertised area, and the petitioner had duly countersigned the same. At no point of time the petitioner questioned the correctness of such reports in his several representations filed before the authorities, and it is only after about one year when the impugned order came to be passed, that the petitioner has sought to raise the present dispute. It is further submitted that the dealership licence has since been awarded in favour of one Smt. Babli Rai after rejection of the petitioner's candidature and the same is functioning smoothly.

4. Having heard the parties and on careful consideration

of the material available on record, this Court does not find it to be a fit case requiring any interference. It is not in dispute that the two land evaluation reports aforesaid were duly supplied to the petitioner prior to the impugned order being passed, both of which were accepted by the petitioner without demur.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

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