

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5101 of 2012

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Shailesh Prasad @ Shailesh Kumar Prasad, Son of Late Alideo Sah resident of village-Dhanauti, Post-Mashrakh, Police Station-Panapur, District-Saran at Chapra, Bihar-841417

.... Petitioner

Versus

1. The Bharat Petroleum Corporation Ltd. through its Chairman-cum-Managing Director, Registered Office Bharat Bhawan, 4 & 5, Krim Bhoy Road, Bellard Estate, P.B. No. 688, Mumbai-400001
2. The Chairman-cum-Managing Director, Bharat Petroleum Corporation Ltd., registered office Bharat Bhawan, 4 & 5, Krim Bhoy Road, Bellard Estate, P.B. No. 688, Mumbai-400001
3. The General Manager, Bharat Petroleum Corporation Ltd., Lok Nayak Jai Prakash Bhawan, Dak Bunglow Road, Patna-800001
4. The Territory Manager (LPG), Bharat Petroleum Corporation Ltd., Patna LPG Territory and Bottling Plant, Fatuha Industrial Area, Patna-803201 (Bihar)
5. Hari Narayan Singh son of not known resident of village Bakwa P.S. Panapur, District Saran at Chapra

.... Respondents

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Appearance :

For the Petitioner : Mr. Bindhyachal Singh,
Mr. Ram Binod Singh
Mr. Parijat Saurav, Advocates
For the Respondents : Mr. Madhuresh Prasad, Advocate
For Respondent No.5: Mr. Nagendra Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-05-2016

The present writ petition has been filed for quashing the order/letter dated 21.11.2011 issued under the signature of Territory Manager, Bharat Petroleum Corporation Limited, LPG, Patna (hereinafter referred to as 'BPCL' only) whereby the candidature of the petitioner for award of Rajiv Gandhi Gramin LPG Vitrak (RGGLV) at Cluster of village Dhanauti, Bakwa, Panapur, District Saran, State Bihar Category- OP, RGGLV Plan: 2010-11 has

been rejected upon field verification of the information submitted by the petitioner; and for connected reliefs.

2. The short facts of the case are that pursuant to an advertisement dated 28.02.2011, the petitioner applied on 30.03.2011 for appointment of LPG distributorship for the location at Dhanauti, Bakwa, Panapur situated in the district of Saran in the open category under the RGGLV Scheme. In the application, the petitioner, inter alia, offered land said to belong jointly to the petitioner and his mother and stated "29.03.2011" in the column requiring the date of registration of sale deed/gift/date of mutation. Under the heading Fixed Deposit/NSC/Shares/MF etc. as on the date of advertisement in the name of the applicant, the petitioner stated details of a Fixed Deposit of Rs. 2,00,000/- claimed to be held by him.

3. Learned counsel for the petitioner submits that his candidature has wrongly been rejected inasmuch as pursuant to the Corporation's letter dated 28.05.2011 containing the solitary objection that the petitioner did not have own land in the advertised location, the petitioner furnished a copy of unregistered memorandum of partition dated 06.01.2011 together with a land possession certificate dated 15.04.2011 obtained from the office of the Circle Officer Panapur (Annexures 3 and 4). Thereafter the petitioner was informed by letter dated 11.07.2011 that he qualified for draw for selection of RGGLV

but thereafter, his candidature was arbitrarily rejected by the impugned order dated 21.11.2011 on the following grounds :-

- 1) The land offered for LPG distributorship is not owned by you or members of 'family unit'.
- 2) Due to variance in funds observed during the FVC, marks awarded to you based on declaration given in the application form has got changed and gone below 80 marks which makes you ineligible. In this connection please note that 80% marks (80 marks out of 100) is required for 'open' category to qualify for award of RGGL."

4. Learned counsel for the respondent-Corporation, on the other hand, submits that the candidature of the petitioner has rightly been rejected. According to the statement made in the application of the petitioner, the land was owned by the petitioner along with his mother and did not in terms comply with the requirements within the meaning of 'family unit', and was thus ineligible for consideration. Moreover, the petitioner had made a clear misstatement in mentioning the date of registration of the sale deed/gift/date of mutation as 29.03.2011 in absence of any such registered document being available in support of such statement. The documents subsequently furnished by the petitioner did not also make him eligible for dealership considering that the memorandum of family partition was not a registered document, and the land possession certificate of the Circle Officer obtained after the date of



application mentioned that the land was owned by the petitioner but stood mutated in his mother's name. It is submitted that such certificate was contrary to the claim of the petitioner made in the application with regard to the joint ownership of the land held by the petitioner with his mother. It is further submitted on behalf of the respondent-Corporation that a clear misstatement had also been made under the heading of Fixed Deposit/NSC/Shares/MF etc. held on the date of advertisement, where the petitioner has claimed the amount of Rs. 2,00,000/- in a Fixed Deposit held by him. On a perusal of the Fixed Deposit receipt, it transpires that the same had been made on 28.02.2011 which was far beyond the date of advertisement. Attention was invited to the declaration made by the applicant in the application itself to the effect that even if upon verification it was found that the information given by the applicant was incorrect/false/misrepresented, his candidate would stand cancelled and the applicant would be declared ineligible for RGGLV.

5. Having heard the parties and on careful consideration of the materials available on record, this Court finds the writ petition devoid of any merit. It is not in dispute that the petitioner in his application claimed the land to be owned jointly by the petitioner and his mother and also stated the date of registration of sale deed/gift as 29.03.011. No document was however produced by

the petitioner to establish the claim in this regard. It is also clear that the details of the Fixed Deposit held by the petitioner had incorrectly been stated in the application as admittedly the Fixed Deposit of Rs. 2,00,000/- was not held by the petitioner on the date of advertisement. Having regard to the declaration of the petitioner with regard to incorrect information supplied by him resulting in his ineligibility for appointment of RGGLV distributorship, the claim raised in the writ petition is, therefore, misconceived.

6. In the above view of the matter, the writ petition stands dismissed.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.05.2016
Transmission Date	N/A