

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1039 of 2015

In

Civil Writ Jurisdiction Case No. 6299 of 2013

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Pravin Kumar Singh Son of Sri Brajesh Singh resident of village - Tetrarh,
Police Station - Akordhi Gola, District - Rohtas (Sasaram)

.... Appellant/s

Versus

1. The Union of India through Secretary, Department of Petroleum and Natural Gas , Government of India, New Delhi
2. The Bharat Petroleum Corporation through Its Zonal Manager having Regional Office at Ashiana Chamber, IIIrd Floor, Exhibition Road, Patna -1
3. The Area Marketing Manager, Bharat Petroleum Corporation, Ashiana Chamber, IIIrd Floor, Exhibition Road, Patna - 1
4. The Co - ordinator , Dealer Selection Board of Bharat Petroleum Corporation, Ashiana Chamber, IIIrd Floor, Exhibition Road, Patna - 1

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Narayan Singh
For the BPCL : Mr. Sanjay Singh
Mr. Binod Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

4 11-11-2016

I.A. No. 4325/2015:

The interlocutory application has been filed for
condoning the delay of 70 days in filing the appeal.

On a consideration of the facts and circumstances
mentioned in the application and upon hearing learned counsels
for the parties, the delay in filing the appeal is condoned.

I.A. No. 4325/2015 is, accordingly, disposed of.

Heard learned counsel for the appellant and



learned counsel for the respondent-Bharat Petroleum Corporation Limited on the merits of the appeal.

The appeal is directed against the order dated 15.12.2014 passed by a learned Single Judge of this Court in CWJC No. 6299 of 2013 by which the writ application filed by the appellant has been dismissed.

In the writ application the petitioner-appellant essentially sought by subsequent amendment of the prayer for quashing of the order dated 29.3.2012 passed by the Area Marketing Manager, Bharat Petroleum Corporation Ltd. by which the complaint of the petitioner dated 27.3.2012 was disposed of informing the reason for ineligibility of the candidature of the petitioner for the advertised dealership, the ground being that the resident certificate shall be treated as valid only if it has been issued within previous six months from the date of application for dealership in the prescribed format and since the resident certificate filed by the petitioner was dated 9.3.2011 therefore it was beyond the period of six months and for the said reason the candidature of the petitioner-appellant was declared ineligible by the Screening Committee.

The learned Single Judge after taking into consideration the provision of the advertisement as also the



format of Form of resident certificate, copy of which in Hindi also formed part of the advertisement and clearly mentioned the fact that the resident certificate issued within previous six months of the date of application for dealership in the prescribed format only shall be treated as valid resident certificate, held that the effect of belated residential certificate filed by the appellant was automatic as there was a clear provision in the advertisement that if the required documents, as prescribed in the advertisement were not filed, it would lead to automatic rejection of the application. It was further held that once the authorities of the Corporation had to follow a particular yardstick that was to be applied in a uniform manner not only for the other applicants but also in the case of the petitioner-appellant.

Learned counsel for the appellant has however, relied upon the circular of the State Government which provides that the temporary resident certificate shall be valid for one year and permanent residential certificate shall be valid indefinitely and he submits that the appellant is permanent resident of the area. In support of the same he also filed the land possession certificate.

Learned counsel for the Respondent-Corporation, on the other hand, submits that the rules and circulars of the State



Government cannot be applied to such an advertisement in which any applicant including the present appellant has to act in accord with the terms and conditions given in the advertisement.

On a consideration of the aforesaid facts and circumstances and the submissions of learned counsels for the parties, we are of the view that there is no infirmity in the order of the learned Single Judge. The conditions having been laid down in the advertisement itself, there was no occasion for the petitioner to have filed resident certificate which ceased to be valid. In this regard reliance by learned counsel for the appellant on the circular of the State Government can be of no avail as the said circulars would be valid only with regard to any requirement regarding residence under any advertisement issued by the State Government and cannot be applicable to an advertisement for selection of retail outlet dealership issued by the Oil Company which would be governed by the terms and conditions of the advertisement as had been issued.

For the aforesaid reasons, we find no merit in the appeal. It is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Rajendra Kumar Mishra, J)

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