

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.435 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 12909 of 2006

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Shanti Pandey Wife of Sri Hari Mohan Pandey Resident Of Vill.- Turukanha Tola,
P.S.- Gopalganj, District- Gopalganj

.... Appellant/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Saran Division, Chapra. (Earlier District Wrongly Written as Gopalganj)
3. The District Magistrate, Gopalganj Block, District- Gopalganj
4. The Sub-Divisional Officer, Gopalganj, Sub-Division, District- Gopalganj
5. The Block Development Officer, Gopalganj Block, District- Gopalganj
6. The Chairman Indian Oil Corporation Limited, Bandra, Mumbai
7. The Chief Divisional Manager (Marketing Division), Indian Oil Corporation Limited, Patna Divisional Office, Maurya Lok Complex Patna
8. The Divisional General Manager, Indian Oil Corporation Limited, Patna Divisional Office, Maurya Lok Complex Patna
9. The Dealer's Selection Board, Patna- III, through its Chairman, Hindustan Petrolam Corporation Limited, Lok Nayak Jai Prakash Bhawan, 6th Floor, Dak Banglow Road Chauraha Patna- 800001
10. The Chairman, Dealer Selection Board Patna- III Hindustan Petrolam Corporation Limited, Lok Nayak Jai Prakash Bhawan, 6th Floor, Dak Banglow Chauraha Patna- 800001
11. Raj Kamal Son of Sri Dilip Kumar Singh, Resident Of Village- Mukrera, P.S.- Rivilganj, District- Saran

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Pandey, Advocate
For the respondent no. 11	:	Mr. Bindhyachal Singh, Advocate.
For the respondents no. 1 to 5	:	Ms. Nivedita Nirvikar, GA-7 with Mr. Manoj Kumar, AC to GA-7
For the Respondents no. 6 to 10	:	Mr. Anil Kumar Sinha with Mr. Abhimanyu Deo, Advocates.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 06-09-2016

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench of this Court on
12.07.2013 whereby, the retail outlet for sale of petroleum products

granted in the year 2002 remained unsuccessful.

The sole argument raised by learned counsel for the appellant before this Court as well as before the learned Single Bench was that the selected candidate was not the resident of Gopalganj and has furnished false certificate of residence, therefore, grant of Letter of Intent for setting up of a retail outlet to him is not justified in law. The claim of the appellant was examined by the Divisional Commissioner, Chapra on 19.04.2006 wherein, a finding has been returned that the candidate who has been given Letter of Intent was the resident of Gopalganj.

The learned Single Bench found that irrespective of the decision of the Divisional Commissioner, the fact is that as per the criteria, residence was relevant for the purpose of giving a little weightage at the end of the day, provided there was type of a tie between the selected candidates. It was also found that the appellant was not even shortlisted among three candidates and, therefore, the challenge to the Letter of Intent granted is not tenable at her instance.

We have heard learned counsel for the appellant and find no merit in the present appeal. The documents produced by the selected candidate shows that he is resident of Gopalganj. This Court while hearing the writ application will not embark an enquiry into the genuineness of the documents filed. The Divisional Commissioner

who has conducted an exercise of fact has returned a finding that the selected candidate was resident of Gopalganj. Still further, the selected candidate has been found meritorious on other parameters. The condition in the advertisement was to give preference if an applicant is resident of Gopalganj. Thus, if all the conditions are the same and then preference was to be given to the resident of Gopalganj. Since the selected candidate has been found meritorious in other parameters itself, the place of residence has no significance.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

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