

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16867 of 2011

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Saurabh Kumar S/O Sahja Nand Chaudhary, resident of village- Jokaha, P.O. Bettiah Dih, P..S Manwapul, Block- Chanpatiya, District- West Champaran.

.... Petitioner/s

Versus

1. Bharat Petroleum Corpn. Ltd. through its Chairman-Cum-Managing Director, Bharat Bhawan, 4 & 6 Currimbhoy Road, Ballard Estate, Mumbai 400001
2. General Manager, BPCL, Bharat Bhawan, Eastern Regional Office, Plot No. 31, Kit Scheme No. 118, (Near Doordarshan Kendra) Prince Gulam Mohammad Shah Road, Kolkata 700095
3. Area Marketing Manager, Bharat Petroleum Corporation Ltd. Dealer Selection Office, 3rd Floor, Ashiyana Chamber, Exhibition Road, Patna-800001
4. Anand Kumar, son of Rameshwar Prasad Resident Of Muhalla Ganj No. -2, P.O. & P.S. Bettiah Town, Bettiah Town, District- W.Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Kumar Malhotra, Sr. Adv.
Mr. Rabindra Nath Kanth, Adv.

For the Resp. Nos. 1 to 3 : Mr. Sanjay Singh, Adv.

For the Resp. No. 4 : Mr. B.N. Mishra, Adv.
Mr. S.N. Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-04-2016

Heard learned counsel for the petitioner, learned counsel for the respondent Corporation as well as private respondent no. 4.

2. The present writ petition has been filed to quash the selection process and interview dated 15.06.2011 conducted by the respondent Corporation for selection and appointment of Retail Outlet Dealership at location Mehendiavari, W. Champaran, pursuant to Advertisement dated 16.10.2010 and for connected reliefs.



3. Without going into the detailed merits of the matter and the rival claims of the parties, learned Senior counsel Mr. N.K. Malhotra appearing for the petitioner, invites attention to the complaint filed by the petitioner on 29.08.2011 (Annexure-8) under the grievance redressal system which is said to be still pending before the Area Marketing Manager of the respondent Corporation. It is stated that such complaint could be filed only after the petitioner came to know that the respondent no. 4 had been granted the dealership, about which no official communication had been received by the petitioner.

4. Learned counsel for the respondent Corporation, Mr. Sanjay Kumar Singh, invites attention to para-14 of the counter affidavit, stating that as the petitioner's complaint was received beyond the stipulated 30-day period from the date of publication of the merit panel, the same was not proceeded with.

5. Having heard the parties and on consideration of the materials on record, this Court is of the view that the interest of justice will be met by directing the Area Marketing Manager (respondent no. 3) to consider the aforesaid complaint dated 29.08.2011 of the petitioner, if still pending before him, and dispose of the same in accordance with law expeditiously and after giving the petitioner as well as the respondent no. 4 an opportunity of being heard in the matter. The petitioner shall be at liberty to furnish any further documents relating to

subsequent developments since the award of dealership to the respondent no. 4, which should also be considered before disposal of the petitioner’s complaint.

6. With the aforesaid observations and directions, the writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/-

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