

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21348 of 2011

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Anant Kumar Singh S/O Shri Krishna Nandan Prasad Singh, resident of
Village- Panchveer, P.S. - Sahebpur Kamal, District- Begusarai

.... Petitioner

Versus

1. Indian Oil Corporation Limited through Its Chairman G-9, Ali Yaver Jung Marg, Bandra East, Mumbai-400051
 2. The Executive Director, L.P.G. Indian Oil Corporation Limited, G-9, Ali Yaver Jung Marg, Bandra East, Mumbai -400051
 3. The Chief Vigilance Officer, Indian Oil Corporation Limited, G-9, Ali Yaver Jung Marg, Bandra East, Mumbai - 400051
 4. The Chief Vigilance Officer, Eastern Region, Indian Oil Corporation Limited, G-9, Ali Yaver Jung Marg, Bandra East, Mumbai-400051
 5. General Manager Indian Oil Corporation Limited (M.D.), Bihar State Office, 5th Floor, Lok Nayak Jai Prakash Bhavan, Dak Bunglow Chowk, Patna-800001
 6. Area Manager, Indian Oil Corporation Limited (M.D.), Indian Area Office, Begusarai, P.O. - Barauni Oil Refinery, District- Begusarai, Bihar - 854114
 7. Dy. Manager (CR), I.O.C.L., Indian Area Office, Begusarai - 854114
 8. Assistant Manager (F), I.O.C.L., Indian Area Office, Begusarai - 854114
 9. The State Of Bihar
 10. Principal Secretary, Department of Human Resources, New Secretariat, Bihar, Patna
 11. Deputy Superintendent of Education, Begusarai
 12. Smt. Madhu Kumari wife of Sunil Kumar
 13. Sunil Kumar S/O Sudhir Yadav
- Both 12 and 13 are presently residing at Sahebpur Kamal, P.O. & P.S. - Sahebpur Kamal, District- Begusarai
14. Sri B.K. Jaiswal, Area Manager, I.O.C.L., Indian Area Office, Begusarai

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajni Kant Jha

Mr. Neeraj Kumar, Advocates

For Respondents : Mr. K. D. Chatterji, Sr. Advocate

Mr. Amlesh Kumar Verma,

Mr. Abhimanyu Deo, Advocates

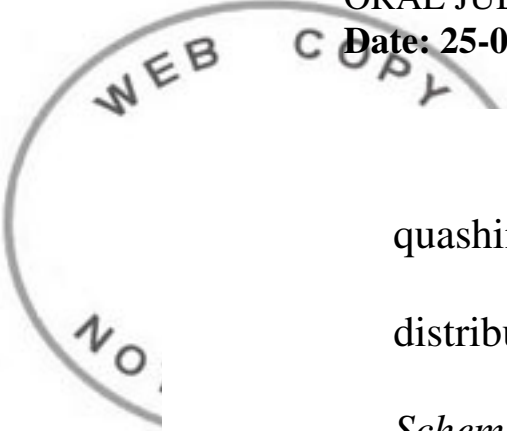
For the State : Mr. Kumar Vikram, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-04-2016



The present writ petition has been filed for quashing the entire selection process for the award of L.P.G. distributorship under *Rajiv Gandhi Gramin LPG Vitrak Scheme* for the advertised location no. 144 i.e. Sahebpur Kamal and cancelling and terminating the allotment of RGGLV in favour of Smt. Madhu Kumari (Respondent No. 12), as well as for issuance of a writ in the nature of mandamus commanding the respondents to re-advertise the said location for fresh selection of RGGLV distributorship.

2. The undisputed facts of the case, in short, are that pursuant to the advertisement dated 17.10.2009, the petitioner was one of the 17 persons who applied for the allotment of LPG distributorship for the advertised location i.e. Sahebpur Kamal. The list of candidates who were found eligible and qualified for the draw for selection brought out by the respondent-Corporation on 31.05.2010 contained only two names, Avinav Kumar and Madhu Kumari. A draw of



lottery was held on 25.06.2010 which went in favour of Madhu Kumari (Respondent No. 12) as she was the only candidate present at the time of the draw. Soon thereafter, the petitioner filed a complaint on 12.07.2010 before the Area Manager of the respondent-Corporation questioning the legality of the selection process.

3. Learned counsel for the petitioner submits that the entire process of selection for the *RGGLV* distributorship for the advertised location was neither transparent nor fair. It is stated that both eligible candidates were closely related to each other and that the basis of selection was not in accordance with the rules. The petitioner also approached the Chief Vigilance Officer and the Executive Director with allegation of irregularities in the selection process. However, it is stated that no action was taken much less in accordance with the grievance/complaint redressal system contained in the guidelines.

4. Learned senior counsel for the respondent-Corporation, on the other hand, opposes the writ petition. At



the very outset, challenge is made to the locus of the petitioner to call in question the selection process. It is submitted that despite the petitioner having been found ineligible for the *RGGLV* distributorship, he never agitated the matter of his ineligibility before the authority nor has he made any whisper in that regard even in the writ petition. The sole intent and purpose of the petitioner is to somehow harass the successful candidate even though he himself has nothing to gain, being ineligible for the distributorship. It is therefore submitted that the writ petition at the instance of the petitioner, who cannot be said to be an 'aggrieved party', cannot be maintained.

5. Learned counsel for the respondents relies on the statements made in the counter affidavit to point out that in any event, the objections raised by the petitioner in his complaint have already been duly dealt with and answered in paragraphs 13, 14, 15 and 16 of the counter affidavit. Moreover, the petitioner has approached this Court after an inordinate delay. The letter of appointment was issued on

28.02.2011 in favour of the respondent no. 12 and thereafter the agreement for the distributorship dated 26.08.2011 was entered into with the respondent no. 12. All this transpired much prior to the petitioner approaching this Court with the present writ petition.

6. Having heard the parties and on careful consideration of the materials available on record, this Court does not find any merit in the writ petition. Learned counsel for the petitioner has not been able to satisfy this Court as to how, after having been found ineligible for the RGGLV distributorship, he may be treated as an 'aggrieved party' and maintain the right to question the selection of the respondent No. 12. The present writ petition has clearly been filed only to deny the benefit of award of the distributorship to the respondent no. 12.

7. It is also observed that the statements made in the counter affidavit controverting the allegations of the petitioner against the selection of respondent no. 12 have not been refuted by the petitioner, as no rejoinder to the counter

affidavit has been filed.

8. Even otherwise, one of the guiding principles to be borne in mind in the matter of interference by the Court in such matters may usefully be culled out from the decision of the Supreme Court in *Air India Ltd. Vs. Cochin International Airport Ltd.* [(2000) 2 SCC 617] observing as follows:-

“... Even when some defect is found in the decision-making process the court must exercise its discretionary power under Article 226 with great caution and should exercise it only in furtherance of public interest and not merely on the making out of a legal point. The court should always keep the larger public interest in mind in order to decide whether its intervention is called for or not. Only when it comes to a conclusion that overwhelming public interest requires interference, the court should intervene.”

9. In *Sanjay Kumar Shukla Vs. Bharat Petroleum Corporation Limited and others* [(2014) 3 SCC 493], the Apex Court took note of the manner in which a deliberate and not very bona fide attempt had been made on the part of Respondent 7 therein to deny the fruit of the selection made by the Corporation in favour of the appellant, and the situation, therefore, had to be remedied. The case at hand

also involves an attempt of similar nature by the petitioner.

10. For the reasons stated above, the writ petition stands dismissed.

B.T/-

(Vikash Jain, J)

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