

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10338 of 2014

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Meena Devi wife of Late Vidya Sagar Ram, Resident of village & Post - Sundarpur, Barja, P.S. Bihiya, District - Bhojpur (Bihar)

.... Petitioner

Versus

1. The Union of India, through the Secretary Department of Petroleum and Natural Gas, Mumbai
2. The Territory Manager, Patna Retail, Territory Bharat Petroleum Corporation Limited, Patna T.O.P - Pakari, Via - Anisabad, Patna (Bihar) 800002
3. The State Coordinator, East Zone, Bharat Petroleum Corporation Limited Asiana Chamber, 3rd Floor, Exhibition Road, Patna - 800001
4. The General Manager (Marketing) M/S Bharat Petroleum Corporation Ltd., Regd. Office - Bharat Bhawan 4 & 6 Currimbhay Road, Ballard Estates P.B. No. 688, Mumbai
5. The Area Marketing Manager, B.P. L - I, 4th Floor, Asiana Chamber, Exhibition Road, Patna - 800001
6. The Area Marketing Manager, B.P.C.L. Jharkhand
7. The Territory Manager (Retail) B.P.C.L. Ranchi Depot, Station Road, P.O. Chutia, Ranchi 83001, (Jharkhand)
8. The T.M. (Retail) Ranchi & State Coordinator, B.P.C.L., Jharkhand

.... Respondents

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Krishna Deo Raj, Advocate
For the Union of India: Mrs. Kanak Verma, C.G.C.
For the BPCL : Mr. Madhuresh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-02-2016

The present writ petition has been filed for quashing the letter dated 10.09.2008 issued by the Area Marketing Manager, Bharat Petroleum Corporation Limited (for short, “the Corporation”) whereby the merit panel prepared on the basis of interview held on 30.08.2007 was cancelled as the selection process had been found to be not in accordance with the prescribed guidelines; for quashing the result of interview dated 26.04.2012 published by the respondents;

and for connected reliefs.



2. At the very outset, learned counsel for the respondent-Corporation raises a preliminary objection. It is submitted that challenge to the letter dated 10.09.2008 cancelling the initial selection process amounts to the petitioner pursuing a stale claim. It is stated that the relevant interview was held on 30.08.2007 but the merit panel prepared on that basis had to be cancelled and the selection declared null and void as the selection process did not conform to the prescribed guidelines. The petitioner having applied for the dealership of retail outlet for the location at Phusro Town in Bokaro district by her application dated 08.06.2007 and having participated in the relevant interview held on 30.08.2007 pursuant to which she was empanelled as first candidate, has sought to question the cancellation of the selection process through this writ application filed as late as in the year 2014 although she had been duly informed of such cancellation as far back as in the year 2008 itself.

3. As regards challenge to the merit panel prepared on the basis of the interview held on 26.04.2012, it is submitted that the writ petition is not maintainable before this Court. The grievance of the petitioner is therefore related to the subsequent process of selection conducted entirely by Jharkhand Officials of the respondent-Corporation for the dealership of retail outlet for the location at



Phusro Town in Bokaro district within the State of Jharkhand on the basis of the re-interview also conducted by Jharkhand officials at Ranchi. It is, therefore, submitted that as far as the grievance of the petitioner with regard to the subsequent selection process is concerned, no part of cause of action has arisen within the territorial jurisdiction of this Court.

4. Learned senior counsel Mr. Yogesh Chandra Verma appearing for the petitioner has been heard on the preliminary objection, who submits that the initial part of the selection process had been conducted by the Patna Officials of the respondent-Corporation and hence a part of cause of action has arisen within the State of Bihar. The writ petition is, therefore, maintainable in view of the provisions of Article 226(2) of the Constitution of India.

5. Having heard the parties on the preliminary objection, this Court finds considerable merit in the submissions of the learned counsel for the respondent-Corporation.

6. The petitioner was admittedly informed about the cancellation of the selection process pursuant to the interview held on 30.08.2007 in terms of the letter dated 10.09.2008 issued by the Patna Office of the respondent-Corporation. No satisfactory explanation has been offered by the petitioner for an inordinate delay of more than five and half years in challenging the said cancellation of selection

process through the present writ petition filed in the year 2014 and hence there are serious laches on the part of the petitioner. This Court is accordingly not inclined to enter into the merits of the matter insofar as the challenge to the initial selection process is concerned.

7. As regards challenge to the merit panel pursuant to the re-interview held on 26.04.2012, this Court is of the view that no part of the cause of action has arisen within the territorial jurisdiction of this Court. As a matter of fact, the nature of the two reliefs sought, and so also the cause of action, are quite independent of each other and ought not to have been clubbed in the same writ petition. It is quite evident that the cancellation of the selection process in 2008 is being brought into play merely in an attempt to claim partial cause of action within the territorial jurisdiction of this Court in order to maintain the present writ petition. It must therefore be held that the relief sought with regard to the validity of the merit list dated 26.04.2012 is not maintainable before this Court.

8. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

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