

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4100 of 2012

=====

Amit Kumar son of Sri Arun Kumar Chaudhary, Resident of Thakurbari Road,
Patory Bazar, Hasanpur Surat, P.S. Patori, District Samastipur

.... Petitioner

Versus

1. Indian Oil Corporation Ltd. (M.D.), Indane Area Office, Begusarai, Post
Barauni Oil Refinery, Begusarai (Bihar)
2. The Area Manager Indian Oil Corporation Ltd. (M.D.) Marketing Division,
Barauni Oil Refinery, Begusarai (Bihar)

.... Respondents

=====

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Adv.
Mr. Dhananjaya Nath Tiwari, Adv.

For the Respondents : Mr. Anil Kumar Jha, Sr. Adv.
Mr. Sanat Kumar Mishra, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2016

Heard learned senior counsel for the petitioner and for the
respondents.

2. The present writ petition has been filed for quashing the
order dated 26.09.2011 passed by the Area Manager, Indian Oil
Corporation Ltd. (M.D.), Marketing Division, Barauni Oil Refinery,
Begusarai (respondent no. 2) by which the application of the petitioner
for award of Rajiv Gandhi LPG Vitrak (for short, "RGGLV") at the
location "Patori, Dhamaun" District Samastipur under open category
advertised on 28th February, 2011 was not found eligible.

3. Mr. N.K. Agrawal, learned senior counsel for the
petitioner, submits that the petitioner's candidature for the RGGLV
distributorship has been denied in terms of the impugned order dated



26.09.2011 on two grounds, namely, (a) you do not have own land in the advertised location, as applicable (b) you are not found to be a resident of the advertised location, as applicable. It has been submitted that the petitioner was eligible to be considered for the advertised location which was mentioned as "Patori, Dhamaun" in terms of the relevant advertisement dated 28.02.2011. It has been submitted that the petitioner is a resident of the area falling under Hasanpur Surat Panchayat of Patori Block and even though the said place is known as Hasanpur Surat, it is commonly known as Patori. The name of the Railway Station is Shahpur Patori, the name of the Police Station is Patori, the name of the Post Office is Patori and the market is known as Patori Market. It is specifically stated that there is no village in Patori Block known as Patori or Patori, Dhamaun. It is therefore submitted that the petitioner ought not to have been disqualified and his application ought to have been considered for the location Patori.

4. Mr. Anil Kumar Jha, learned senior counsel appearing on behalf of the respondent Corporation, opposes the writ petition. He refers to the averments made in the writ petition itself to contend that it is an admitted fact that the petitioner is not a resident of Patori or Dhamaun rather he is a resident which falls within Hasanpur Surat Panchayat of Patori Block. A supplementary counter affidavit has been filed annexing copies of documents enclosed with the application form of the petitioner, which also disclose that the petitioner is a resident of

Hasanpur Surat and that the offered land was also situated at Hasanpur Surat. The list of villages (Annexure-C) also shows that Hasanpur Surat is the name of a Panchayat falling under Patori Block. Moreover, the land offered by the petitioner stands in the name of the petitioner's parents which cannot be considered as they are not covered within the meaning of "family unit" as the petitioner is a married individual.

5. Having heard the parties and on careful consideration of the materials on record, this Court finds the writ petition to be completely devoid of merit. The petitioner has failed to establish that he is a resident of Patori which was the advertised location. If he claimed that there was no village of the name Patori, he might well have raised this objection before the respondent Corporation at the appropriate time which admittedly was not done. It is not now open to him after his candidature has been rejected, to turn around and question the validity of the advertisement itself on the ground that there is no revenue village known at Patori.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/B.T.

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	05.09.2016
Transmission Date	N/A