

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2419 of 2014

Janardan Choubey, Son of Late Ram Bachan Choubey, Resident of Village -
Madhopur, P.S. - Natwar, District – Rohtas.

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Petroleum and Natural Gas, Shastri Bhavan, New Delhi - 110001
2. Indian Oil Corporation Ltd. through it's Chairman, 303913-J.B. Tito Marg, Sadiq Nagar - New Delhi - 110049
3. General Manager, Indian Oil Corporation Ltd., 5th Floor, Lok Nayak Jai Prakash Bhavan, Dak Bunglow Chowk, Patna
4. Chief Area Manager, IOC Ltd., Indane Area Office, Ist Floor, Shahi Bhavan Exhibition Road, Patna
5. The Director Marketing, Indian Oil Corporation Ltd., Indian Oil Bhavan G-9 Ali Yavar Jung Marg, Bandra (East), Mumbai - 400051

.... Respondents

Appearance :

For the Petitioner : Mr. Rakesh Kumar Samrendra, Advocate
For Respondent No.1 (UOI) : Mrs. Kanak Verma (C.G.C.)
For Respondents : M/s. Anil Kumar Sinha,
Amlesh Kr. Verma and
Ankit Katriar, Advocates

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-02-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for setting
aside the decision of the Respondent-Corporation which was
communicated to the petitioner vide letter dated 18.1.2013
(Annexure-10) whereby and whereunder the application of the
petitioner for award of LPG Distributorship at Buxar under G P
category (outside), pursuant to the advertisement dated 18.5.2012, has

been rejected on the ground that the Liquid fund of the petitioner was less than Rs.15 Lacs and the petitioner did not have own or leased lands for Godown and showroom in advertised location at the time of application; and for connected reliefs.

3. Learned counsel for the petitioner submits that the petitioner's candidature has been rejected without the relevant advertisement providing for a separate category of applicants, namely, extremely deserving cases of ex-servicemen who have no means of livelihood as required to be done in terms of the order of this Court dated 12.1.2012 passed in C.W.J.C. No.10193 of 2011. It is further submitted that the impugned order dated 18.1.2013 has been passed without affording any opportunity for removing the deficiencies and thus falls foul of the brochure issued by the Oil Company apart from discriminating against the petitioner inasmuch as an opportunity of removing deficiency has been provided to other applicants. It is further submitted that the fresh advertisement dated 4.9.2013 had also been issued contrary to the orders of the Hon'ble Delhi High Court as the defense category has either been dropped or changed into open category.

4. Learned counsel for the respondent-Corporation opposes the writ petition and has been heard at length.

5. It is well settled that a person having participated in



a selection process unsuccessfully cannot later on turn around to question the validity of the selection process. In the instant case, the petitioner filed his application for consideration of the L.P.G. Distributorship in terms of the advertisement dated 18.5.2012 but was declared unsuccessful in terms of the impugned order dated 18.1.2013. It was therefore not open to him to question the validity of the advertisement itself after having applied under the same and been declared unsuccessful. Furthermore, the impugned order was passed on 18.1.2013 but the petitioner did not take any steps for almost a year until filing of the present writ application on 16.01.2014 even though the ground alleging discrimination in the matter of an opportunity being granted for removal of deficiencies was available to him. The present writ application has been filed only after the process of selection has been initiated afresh by the respondents in terms of the advertisement issued on 4.9.2013 of which the petitioner was admittedly well aware.

6. In these circumstances and in view of delay and laches on the part of the petitioner, this Court is not inclined to interfere in the matter.

7. As regards the subsequent advertisement dated 4.9.2013, challenge to the same constitutes a separate cause of action which could not have been clubbed with the present writ application.

8. In the above circumstances, the writ application stands dismissed with liberty to the petitioner to approach this Court with a duly constituted writ petition, if so advised, for any remedy he may seek against the fresh advertisement dated 4.9.2013.

(Vikash Jain, J)

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