

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5986 of 2014

Binod Kumar Rai son of Sri Ram Dular Rai resident of village - Khakhra, P.O. Mujradh, P.S. Kargahar, District - Rohtas

.... Petitioner

Versus

1. The Indian Oil Corporation Limited through its Chairman cum Managing Director, registered office situated at G-9, Yali Yavar Jung Marg, Bandra (East) Mumbai - 400051
2. The General Manager, Indian Oil Corporation Limited, Bihar State Office, Marketing Division, 5th Floor, Lok Nayak Jayprakash Bhawan, Dakbunglow Chawk, P.S. Kotwali, Town & District - Patna
3. The Chief Manager, (RS), Bihar State Office, Indian Oil Corporation Limited, Marketing Division, 5th Floor, Lok Nayak Jayprakash, Bhawan, Dakbunglow Chawk, P.S. Kotwali, Town & District - Patna
4. The Divisional Manager, Indian Oil Corporation Limited, Divisional Officer, Mauryalok Complex, P.S. Kotwali, Town & District - Patna
5. Sri Santosh Kumar son of Sri Hridya Narayan Rai resident of village - Sawan Bahar, P.O. Badki Akodhi, P.S. Kargahar, District - Rohtas
6. The Dy. General Manager, (RS), Bihar State Office, Indian Oil Corporation Limited, Bihar State Office, Marketing Division, 5th Floor, Lok Nayak Jayprakash, Bhawan, Dakbunglow Chawk, Town & District - Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Rajeev Prakash, Advocate
For the Respondents: Mr. Anil Kumar Sinha
Mr. Amlesh Kumar Verma,
Mr. Abhimanyu Deo,
Mr. Ankit Katriar, Advocates

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-02-2016

The present writ petition has been filed for quashing the merit panel as revised by respondent no. 3, the Chief Manager (RS), Bihar State Office, Indian Oil Corporation, vide letter bearing BSO/RS/KSK/643 dated 06.02.2014 whereby and wherein the petitioner's position in the said revised panel was lowered from 1st to 2nd empanelled candidate, by cancelling 4 marks earlier granted by the

Selection Committee under the heading 'Fixed and Non-movable Assets' in the original merit panel dated 20.02.2012.

2. Learned counsel for the petitioner submits that the impugned action of the respondent-Corporation is not sustainable in law as the petitioner was not granted any opportunity prior to preparation of the revised panel. It is submitted that no proper investigation was carried out and the action has been taken only on the basis of legal opinion obtained by the respondent-Corporation.

3. Learned counsel for the respondent-Corporation, on the other hand, submits that the impugned action cannot be found fault with. The inference drawn against the petitioner is on the basis of a document-based error which was committed at the time of initial evaluation inasmuch as the land offered by the petitioner, namely plot no. 89 Khata no. 109 having an area of 1.72 acres, was not in the petitioner's possession as the same had fallen to the share of his father in the family partition.

4. The petitioner, despite being asked, was unable to show the details of the land offered by him as his application has not been enclosed with the writ petition. The petitioner has also not been able to show any averment in his pleadings disputing the facts stated in the impugned order of the respondent-Corporation dated 06.02.2014 by which petitioner's marks were reduced from '4' to '0' having regard

to the document-based error existing in the initial evaluation.

5. In the above circumstances, this Court is not inclined to interfere in the matter. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

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