

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22919 of 2012

Sanjay Kumar Mishra son of Sri Radhey Shyam Mishra, resident of Village-
Jamunia, P.S.- Lauriya, District- West Champaran

.... Petitioner

Versus

1. The Union of India through Bharat Petroleum Corporation Limited through
Its Chief Managing Director
2. The Chief Managing Director, Bharat Petroleum Corporation Limited, Bharat
Bhawan Nos. I & II, 4 and 6 Currimbhoy Road, Ballard Estate, Mumbai- 400001
3. The Chairman (M.D.), Bharat Petroleum Corporation Limited, Bharat
Bhawan Nos. I & II, 4 and 6 Currimbhoy Road, Ballard Estate, Mumbai- 400 001
4. The Chief Vigilance Officer, B.P.C.L. Bharat Bhawan Nos. I & II, 4 and 6
Currimbhoy Road, Ballard Estate, Mumbai - 400 001
5. Sri Amit Kumar Basu (M.D.), B.P.C.L. 6, Mayurbhanj Road, Kolkata - 700 023.
6. The State Co-ordinator, Bihar, B.P.C.L., 3rd Floor, Ashiyana Chamber,
Exhibition Road, Patna
7. Amit Kumar Choubey, son of Shri Dudh Nath Choubey, resident of Mohalla -
Choubey Tola, Block Road, Narkatiaganj, P.O. and P.S.- Narkatiaganj, District -
West Champaran

.... Respondents

Appearance :

For the Petitioner : Mr. Binay Kant Mani Tripathi, Advocate
For the Respondents: Mr. Sanjay Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-10-2016

Heard learned counsel for the petitioner and learned
counsel for the respondent-Corporation.

2. The present writ petition has been filed for quashing
the order dated 09.10.2012 (Annexure 7) communicated with letter
dated 21.09.2012 (Annexure 8) passed by the respondent Corporation
disposing of the petitioner's representation with regard to the retail
outlet dealership at Jurimiyan Chowk Tola, District West Champaran.

3. Learned counsel for the petitioner submits that the



impugned orders of the respondent-Corporation have been passed in an arbitrary manner and in violation of the mandate of Article 14 of the Constitution of India. It is stated that the petitioner had been called for the interview held on 29.08.2012, when he had inadvertently produced the original sale deed of another land and had required three hours time to produce the correct original sale deed, which, however, was denied. On the other hand, the respondent no. 7 was granted time to produce a passbook which was not available with him at the time of interview, which was produced subsequently at about 7.30 P.M. It is therefore submitted that the petitioner has been made the victim of hostile discrimination in the matter of award of retail outlet at the hands of the Corporation which has applied doubled standards.

4. Learned counsel for the respondent-Corporation, on the other hand, submits that the action of the respondent-Corporation cannot be faulted as it has acted in a transparent manner and in accordance with all the procedures contemplated in the brochure, and Clause 19 thereof in particular. He relies upon the statements made in the counter affidavit to submit that the allegation of the petitioner is patently false, absurd and misleading on the ground that no official of the Corporation has any discretion to relax the mandate of clause 10(h) of the brochure which requires that the originals of all the documents and certificates be produced at the time of interview if called for, and any failure in this regard would render the applicant ineligible. It is



submitted that in the instant case, the petitioner himself has admitted in paragraph 5 of the writ petition that he had not produced the original sale deed of the relevant land at the time of the interview. A statement is made at the Bar on behalf of the respondent-Corporation that the retail outlet dealership has since been commissioned and has been functioning since 25.09.2015, i.e. for more than a year.

5. Having heard the parties and on careful consideration of the materials on record, this Court finds the writ petition to be devoid of merit. It transpires on perusal of clause 10(h) of the brochure that an applicant is required to produce the originals of all the documents and certificates at the time of interview if called for, and that non-production of the same at the time of interview renders an applicant ineligible. It is not in dispute that the petitioner did not produce the correct original sale deed of the land at the time of the interview. The allegation of the petitioner that the respondent no. 7 was granted time to furnish his passbook subsequent to the interview resulting in discriminatory action against the petitioner at the hands of the respondent-Corporation, is not supported by any material whatsoever and remains a bald assertion on the part of the petitioner. The same has specifically been denied in paragraph 13 of the counter affidavit. Learned counsel for the petitioner has also not disputed the stand that the retail outlet in question has been commissioned and has already been functioning.

6. In the above view of the matter, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.10.2016
Transmission Date	N.A.