

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17585 of 2012

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Kumari Jyoti Singh, Daughter of Sri Strughan Singh, resident of Village- Pipra,
Post Office Durauda, District- Siwan.

.... Petitioner

Versus

1. The Union of India through the Managing Director, Indian Oil Corporation, Eastern Zone, Shahid Bhawan, Exhibition Road, Patna.
2. The Chief Area Manager, India Oil Corporation, Eastern Zone, Shahid Bhawan, Exhibition Road, Patna.
3. The Senior Area Manager, Indian Oil Corporation, Eastern Zone, Shahid Bhawan, Exhibition Road, Patna.
4. The Deputy Manager, Indian Oil Corporation, Eastern Zone, Shahid Bhawan, Exhibition Road, Patna.
5. The Senior Marketing Manager, Indian Oil Corporation Eastern Zone, Shahid Bhawan, Exhibition Road, Patna.
6. The Area Manager, Indian Oil Corporation, Eastern Zone, Shahid Bhawan, Exhibition Road, Patna.
7. Abhishek Singh Son of Sri Pemi Singh, Resident of Village- Korari Khurd, P.O- Duraoundha, P.S- Duroundha, District- Siwan.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Surendra Kishore Thakur, Adv.
For the IOC	:	Mr. Anil Kumar Jha, Sr. Adv. Mr. Sanat Kumar Mishra, Advocate.
For Respondent No. 7	:	Mr. Shekhar singh, Adv. Mr. Satyendra Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-09-2016

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

2. The present writ petition has been filed for the following
reliefs:

- (i) For a direction to the respondent authorities to produce
the selection letter which was drawn up in favour of private-
respondent no. 7 in the lottery held on 18.08.2012, and, after

hearing the parties, to quash the same;

(ii) For further direction to the respondent authorities to take a final decision for the candidature of the petitioner in view of the order passed in C.W.J.C. No. 12555 of 2012 holding that the entire action of the respondent authorities prior to taking a final decision with regard to candidate of the petitioner is illegal;

(iii) And for further direction to the respondent authorities to grant licence of L.P.G. distributorship in view of the letter dated 26.11.2011 whereby the petitioner was finally selected in the lottery for distribution of L.P.G.

3. Learned counsel for the petitioner submits that pursuant to the order of this Court dated 30.07.2012 passed in C.W.J.C. No. 12555 of 2012, the respondents were required to dispose of the petitioner's objection/representation against rejection of its candidature for award of the L.P.G. distributorship. It is submitted that the lottery was then held on 18.08.2012 without considering the petitioner's representation, which was disposed of only subsequently by order dated 03.09.2012 by the respondent Corporation.

4. Learned counsel for the respondents, on the other hand, submits that the petitioner has not approached this Court with clean hands. Even though C.W.J.C. No. 12555 of 2012 was disposed of on 30.07.2012, the petitioner approached the Corporation on 18.08.2012



stating that the said writ petition was still pending before the Court. It is further submitted that this writ petition has become infructuous, considering that the Corporation's order dated 03.09.2012 disposing of the petitioner's representation has not been challenged before this Court, even after a copy of the same was enclosed as Annexure-A to the counter affidavit filed by the Corporation on 23.09.2012. It is further stated that the petitioner had offered plot no. 872 said to be standing in her father's name, which was subsequently found to be incorrect. During field verification (Annexure-D), the plot No. 872 was found to be standing in the name of the petitioner's great grandfather, who does not come within the meaning of the term 'family unit'. In the absence of any provision for rectification of the plot number as sought to be done by the petitioner and in view of her own declaration in the application form to the effect that any wrong information in the application would render her ineligible for the RGGLV, the impugned order has rightly been passed as the land in question was ineligible for consideration. The other plot of land subsequently offered by the petitioner in course of field verification, said to belong to the petitioner's mother, was also found ineligible as the width of the land did not comply with the requisite parameters, and in any event, any land offered other than shown in the application form was also not eligible for consideration.

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 not been able to satisfy this Court that the respondent Corporation have acted in an arbitrary and non-transparent manner. The petitioner has not been able to controvert the submissions of the Corporation that there exists no provision for rectification of the plot number of the land offered in the application, as was sought to be done. The order dated 03.09.2012 passed by the Corporation in compliance of the order of this court in C.W.J.C. No. 12555 of 2012 was well within the knowledge of the petitioner at least since 23.09.2012, but the same has not been called into question and has hence attained finality.

6. This Court, therefore, sees no reason to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.10.2016
Transmission Date	N.A.