

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14094 of 2011

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Nunu Prasad Sinha Son of Ram Khelawan Sinha, Resident of Village- Katghra,
P.O. Bhatuara, District Samastipur.

.... Petitioner

Versus

1. General Manager, Indian Oil Corporation Ltd. At G.I. Ali Yaber Jang, Bandara, (East) Mumbai.
2. Regional Manager, Indian Oil Corporation Limited (Marketing Division), Indane Regional Office, Begusarai Post- Barauni Oil Refinery, District Begusarai.
3. Area Manager, Indian Oil Corporation Ltd. Indane Are Office Begusarai, P.O. Barauni Oil Refinery Distt Begusarai.
4. Subash Chandra Jha S/o Kushal Kishore Jha R/o Nande Nagar Post Nandenagar District Samastipur.

.... Respondents

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Appearance:

For the Petitioner : Mr. Vishwanath Prasad Sinha, Sr. Advocate
Mr. Ranjay Kumar Singh, Advocate

For the Respondent : Mr. Anil Kumar Sinha, Advocate
Mr. Abhimanyu Dev, Advocate
Mr. Amlesh Kumar Verma, Advocate

For the Resp. No. 4 : Mr. Amresh Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-09-2016

Heard learned senior counsel for the petitioner, learned
counsel for the respondent Corporation and learned counsel for the
private respondent no. 4.

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

“(i) To letter dated 21.07.2011 issued by the Area
Manager, Begusarai Area Office of Indian Oil
Corporation, passed in pursuance to order dated
18.05.2011 passed in C.W.J.C. No. 5860 of 2011
whereby and whereunder the claim of this writ



petitioner for appointment as RGGLV distributor for Shivajinagar under open category has been rejected and for further direction to the respondent authorities to consider the claim of this writ petitioner for his appointment as RGGLV distributor for Shivajinagar in the District of Samastipur.

(ii) To quash the selection of Sri Subhash Chandra Jha, son of Kaushal Kishore Jha, as dealer of RGGLV for Shivajinagar location which has been made by respondents during the pendency of this writ petition.”

3. Mr. Vishwanath Prasad Sinha, learned senior counsel appearing on behalf of the petitioner, submits that the impugned order dated 21.07.2011 rejecting the petitioner's representation is arbitrary and has been passed without having regard to relevant materials. As regards the first ground assigned for rejection that the petitioner had not furnished the requisite details of the land offered at the RGGLV location in the application form, it is submitted that a sale deed with the details of such land was duly enclosed along with the application form, which has, however, not been considered. With regard to the second objection that the petitioner was not a resident of the advertised location, namely Shivajinagar, but was found to be a resident of village Katghara, it is submitted that as a matter of fact, there is no revenue village named Shivajinagar. The



petitioner is a resident of village Katghara, Post Bhatuara, which is situated in Shivajinagar Block, and hence the view taken by the Corporation is erroneous and arbitrary. With regard to the third and final ground for rejection of the petitioner's candidature relating to overage of the petitioner, it is submitted that the petitioner being an ex-Army Havildar/Electrician was entitled to age relaxation of three years in terms of executive instructions which have not been considered.

4. Learned counsel for the Corporation submits that the petitioner's candidature has rightly been rejected inasmuch as the details of the land offered had not been stated at sl. no. 9 of the application form (Annexure-R/2) as required, which had been left blank. It is submitted that mere furnishing of sale deed is of no consequence as the petitioner was required to fill up the relevant details in the application form, and the Corporation is not required to look into any details or information beyond the same. It is further submitted that it is not in dispute that the petitioner is a resident of village Katghara, while the advertisement mandated that a candidate had to be a resident of the advertised location, which in the present case is Shivajinagar. It is further submitted that no age relaxation was provided for in the advertisement, in view of which the executive instructions were not considered.

5. Learned counsel for the private respondent No. 4



submits that his candidature was accepted not in pursuance of the advertisement published on 17.10.2009 in relation to which the petitioner has lain claim, but in pursuance of the re-advertisement dated 28.02.2011 as evident from the Corporation's letter dated 28.11.2011 (Annexure-R4/3).

6. Having heard the parties and on consideration of the materials on record, this Court finds the writ petition to be devoid of merit. A bare perusal of the application form clearly shows that item no. 9 thereof requiring particulars of the offered land, was left completely blank. Moreover, the petitioner in para 8 of his supplementary affidavit has stated that he had submitted registered lease agreement of land dated 17.11.2009, which statement is at variance with item no. 9 of the application form wherein the petitioner had indicated that he was the owner of the land at the advertised location. The decision of the Corporation in assigning the petitioner's failure to furnish the particulars of land in the application form as one of the grounds for rejection of his candidature, cannot therefore be said to be arbitrary. This Court is further of the view that it is not open to the petitioner, after having participated in the advertisement and being declared unsuccessful, to now turn around and object that there was no revenue village named Shivajinagar as advertised. Such objection, if at all, ought to have been taken at the appropriate stage. Besides, in the absence of

any provision for age relaxation for ex-Army personnel being provided for in the advertisement, the Corporation cannot be said to have acted arbitrarily in that respect.

7. In the above circumstances, the writ petition stands dismissed. Pending Interlocutory Applications, if any, also stand disposed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.10.2016
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