

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17724 of 2011

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Tanuja Kumari W/O Raghwendra Kumar Singh R/O Dharhara, Anchal Raghopur,
P.S.- Raghopur, District- Supaul

.... Petitioner

Versus

1. The Hindustan Petroleum Corporation Limited (H.P.C.L.) L.P.G., 17th Jamshedpur Tata Road, Mumbai through its Chairman
2. The Chairman, Hindustan Petroleum Corporation Limited L.P.G., 17th Jamshedpur Tata Road, Mumbai (Maharashtra)
3. The General Manager L.P.G., Hindustan Petroleum Corporation Limited, 8th Suraj Ballav Das Marg, Mumbai (Maharashtra)
4. The Divisional General Manager, Hindustan Petroleum Corporation Limited, L.P.G, S.B.U. East Zone Industries House, 7th Floor, 10 Camac Street, Kolkata (West Bengal)
5. The Senior Regional Manager, Hindustan Petroleum Corporation Limited, L.P.G., 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Banglow Chouk, Patna-1
6. Santosh Kumar S/O Laxmi Narain Mandal R/O At + P.O.- Simari, Gram Panchayat- Laukha, Anchal- Bhaptiyahi, P.S.- Bhaptiyahi, District- Supaul, Address as mentioned in Application Form Santosh Kumar, S/O Laxmi Narain Mandal, At + P.O.- Dharaha, Anchal- Raghopur, P.S.- Raghopur, District- Supaul

.... Respondents

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Appearance:

For the Petitioner : Mr. SHAILENDRA KUMAR SINGH, ADV
For the Respondents 1 to 5 : Mr. SANJAY KUMAR MISHRA, ADV
For the Respondent No. 6 : Mr. LAKSHMINDRA KR.YADAV, ADV

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-04-2016

Heard learned counsel for the petitioner and learned
counsel for the Respondent Corporation.

2. The present writ petition has been filed for quashing
the letter dated 13.07.2011 of the Senior Manager, Patna LPG
Regional Office, Patna whereby and whereunder the private
respondent No. 6 has wrongly and illegally been declared as



selected candidate for Rajiv Gandhi Gramin LPG Vitrak (for short “RGGLV”) Plan 2010 under Open Category (O) for the location Raghapur, Dharhara, Divipur under Block Raghapur. District Supaul and also to quash the consequential order; and to allot the said RGGLV Plan 2010 to the petitioner who has qualified for draw for selection of RGGLV by letter Ref: PLRO/SKS/LPG dated 21.06.2011 of Senior Regional Manager, LPG Region, Patna or to make fresh draw of five qualified candidates for selection of RGGLV of the said location.

3. Pursuant to an advertisement dated 28.02.2011, the petitioner applied for selection of RGGLV dealership for the location Raghapur, Dharhara, Divipur under Block Raghapur, District Supaul. In due course, the petitioner along with four other persons was selected for the draw as recorded in Appendix H4R dated 02.06.2011 (Annexure-6). It is pointed out that Santosh Kumar, respondent no. 6 herein, along with one Bhawesh Kumar had been found to be not eligible (Annexure-5), yet surprisingly the Respondent No. 6 was declared as the successful candidate in the draw held on 13.07.2011 which is impugned herein.

4. Learned counsel for the petitioner submits that the Respondent Corporation has on the face of it acted illegally in



selecting the Respondent No. 6 who was never an eligible candidate. The draw held on 13.07.2011 was *ex facie* illegal also in view of the fact that such draw was stated to be among the eligible candidates as per Appendix H4R, which as pointed out, did not contain the name of Respondent No. 6 at all. It is therefore submitted that the petitioner having been found eligible for the RGGLV ought to be declared successful.

5. Learned counsel for the Respondent Corporation invites attention to the supplementary counter affidavit, in paragraphs 4 and 5 whereof it has been stated that the candidature of the Respondent No. 6 has been rejected and draw would be held afresh from among the eligible candidates.

6. Considering the stand of the Respondent Corporation in its counter affidavit it is clear that the impugned action resulting in the selection of the Respondent No. 6 in the draw held on 13.07.2011 is no longer operative as the selection of the Respondent No. 6 has since been cancelled. To that extent the petitioner's grievance stands redressed. As regards the petitioner's other claim for being declared successful, the same cannot be accepted as the petitioner stands at par with the remaining four persons and cannot claim exclusive right for being declared successful.

7. In the above view of the matter, the writ petition is disposed of with a direction to the Respondent Corporation to proceed with the fresh draw to be held only among the five applicants found eligible in terms of Appendix H4R in accordance with law.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.04.2016
Transmission Date	