

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22450 of 2011

Sanjeev Kumar Son of Shri Virendra Roy Resident of Village-Radhiya, Ray Tola,
Post Office-Radhiya, Police Station-Gopalganj, District-East Champaran.

.... Petitioner

Versus

1. The Union of India through the Secretary Petroleum and Gas Department, New Delhi.
2. The C.M.D., Hindustan Petroleum Corporation Limited, 17, Jamshed Ji Tata Road, Mumbai.
3. The Senior Regional Manager, Hindustan Petroleum Corporation Ltd., 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chauraha, Patna, Bihar.
4. The Senior Regional Manager, Hindustan Petroleum Corporation Ltd., Begusarai Retail Regional Office, Bihar-851210.

.... Respondents

Appearance :

For the Petitioner/s : Mr. SANJAY KUMAR NO. 7, ADV

For the Resp. HPCL : Mr. Rajeev Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-05-2016

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 02.09.2011 issued by the respondent no. 4 by which the provisional merit panel was cancelled and the petitioner was informed of the decision to conduct a re-interview.

3. Learned counsel for the petitioner submits that the petitioner secured the highest marks namely 80.41 marks in the provisional merit panel in the matter of award of dealership of retail outlet for the location "Sr. No. 167 within 1 K.M. from Hardia Chowk towards Paharpur within Areraj Municipal Limit, District East Champaran, Category-O.P." pursuant to an



advertisement published on 11.06.2010. The respondents informed the petitioner by letter dated 28.07.2011 that the provisional merit panel was proposed to be cancelled on the ground that the Sri Laludin Ansari who had leased the land to the petitioner was only a joint owner thereof, but the consent and authorisation from the other co-owners was not available with the application. The petitioner claims that a power of attorney had been executed in favour of Sri Laludin Ansari by all the joint owners of the said land, authorizing him to enter into lease agreement with regard to the land.

4. Learned counsel for the respondent Corporation on the other hand, relies on para 12 of the counter affidavit containing a specific denial with regard to proper documents having been furnished by the petitioner along with his application. It has been categorically stated that neither consent letters from all the co-owners nor any power of attorney executed in favour of Sri Laludin Ansari were submitted by the petitioner along with his application, such submission being a mandatory condition for consideration of the application. Attention is also invited to the index bearing the signature of the petitioner, accompanying the application form in which the documents enclosed with the application are enumerated, from which it is pointed out that there is no mention of the consent letters or the power of attorney forming part of the application.

5. Having heard the parties and on a consideration of the materials on record, this Court finds the writ petition to be devoid of any merit. The petitioner has enclosed a copy of the power of attorney which the writ petition which is said to have been executed by the four brothers in favour of their fifth brother Sri Laludin Ansari authorizing him to give the land jointly

owned by all of them on lease on their behalf. However, in the index form of the application such power of attorney does not find mention, nor do the consent letters from all the joint owners of the land, the submission of which was also a mandatory condition. In any event, in view of the specific denial made by the respondents, the claim of the petitioner at best remains a disputed question of fact which this Court would not enter into in its extraordinary writ jurisdiction. The respondents acted on complaints received by them and after due investigation a decision was taken by the authorities to cancel the provisional merit panel and no fault can be found with such action in principle. Such action appears neither arbitrary nor perverse and does not warrant any interference.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran

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CAV DATE	
Uploading Date	13.05.2016
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