

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17811 of 2014

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Laxmikant Mishra S/o - Madhusudan Mishra R/o Village - Padrauna, P.O. -
Lamichaur, District - Gopalganj.

.... Petitioner

Versus

1. The Union of India through the Secretary, Department of Petroleum, Government of India, New Delhi.
2. The Secretary, Department of Petroleum, Government of India, New Delhi.
3. The Indian Oil Corporation Limited through its Chairman and Managing Director, At - Bandra (East), Mumbai.
4. The Chairman-cum-Managing Director, Indian Oil Corporation Limited G-9, Ali Yavar Jang Marg, Bandra (East), Mumbai.
5. The Officer-in-Charge (Marketing Division), Eastern Region, Indane Area Office, Indian Oil Corporation Ltd., 1st Floor, Shahi Bhawan, Exhibition Road, Patna.
6. The Chief Area Manager, Patna A. O. (Marketing Division), Eastern Region, Indane Area Office, Indian Oil Corporation Ltd., 1st Floor, Shahi Bhawan, Exhibition Road, Patna.
7. The General Manager Indian Oil Corporation Limited, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Patna - 800001.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vishwajeet Kumar Mishra, Advocate
For the Respondent IOCL : Mr. K.D.Chatterjee, Sr. Advocate
Mr. Amlesh Kumar Verma, Advocate
Mr. Ankit Kumar Katriar, Advocate
For the UOI : Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-03-2016

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

2. The present writ petition has been filed for a direction to the
Respondents to conduct the field verification and issue letter of indent in
favour of the petitioner; for quashing the letter dated 19.02.2014 by which
the petitioner's candidature for award of Rajiv Gandhi Gramin LPG Vitrak

(for short "RGGLV") at Parrauna, Sawanha, District Gopalganj has been cancelled; and for connected reliefs.

3. Learned counsel for the petitioner submits that having been successful in the draw of lots for selection of RGGLV as communicated in the Respondent Corporation's letter dated 28.10.2013, the petitioner was informed that further steps in the matter would be taken after the 2014 Lok Sabha Elections. It is submitted that thereafter without proper opportunity or communication to the petitioner, his selection was cancelled as communicated in terms of letter dated 27.08.2014. It is further submitted that copies of two earlier letters dated 13.01.2014 and 19.02.2014 said to have been issued by the Corporation were also enclosed, but the same were insufficiently addressed. The stand of the Corporation that the petitioner was repeatedly informed over phone and through written communication for verification of original documents but the petitioner did not turn up rather his father Shri Madhusudan Mishra assured that the petitioner would himself contact the Corporation, has been rebutted in the rejoinder, stating that the petitioner's father has denied receiving any letter on 13.01.2014 and that he never went to the office of the Respondent Corporation.

4. A counter affidavit has been filed on behalf of the Respondent Corporation categorically stating in paragraphs 7 and 8 thereof, *inter alia*, that the petitioner did not turn up nor make the original documents available for verification and assured to do so on 13.01.2014. On the said date the petitioner did not again turn up rather his father visited the office and met the member, Field Verification Committee, Sri Rajesh Sinha when he was handed over the letter dated 13.01.2014 requiring the petitioner to report

for verification on 25.01.2014. A photo copy of the said letter containing the dated signature of the petitioner's father endorsed thereon has been brought on record as Annexure-'B' to the counter affidavit.

5. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. Whether or not the petitioner's father received the Corporation's letter dated 13.01.2014 and acknowledged receipt by putting his signature thereon as also whether or not the Respondent Corporation informed the petitioner through phone calls and written communication are all disputed questions of fact in view of the petitioner's denial, which cannot be appropriately decided in writ jurisdiction.

6. The writ petition stands dismissed.

(Vikash Jain, J)

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