

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9064 of 2011

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1. Prakash Kumar Singh Son of Sri Dharendra Kumar Singh resident of village Maniya Ashaw, Distt. Siwan

.... Petitioner/s

Versus

1. The Union Of India Through Secretary, Petroleum Deptt. Govt. Of India, New Delhi
2. The Chairman Of Indian Oil Corporation Ltd. G. 9 Ali Yavar Jung Marg, Bandra (East) Mumbai
3. The Eastern Division Vigilance Indian Oil Corporation
4. The Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd. Patna Division Office, Mauryalok Complex, Patna
5. The Senior Regional Manager, Marketing Division, B.S.Office, Lok Nayak Jai Prakash Bhawan Patna
6. The Divisional Retail Sales Manager, Muzaffarpur Divisional Office, Krishna Complex, Akhara Ghat Road, Muzaffarpur Indian Oil Corporation
7. The Manager Indian Oil Corporation Ltd. Patna
8. The Senior Divisional Manager, Retail Sales, Muzaffarpur Division Krishna Complex Akash Vat , Muzaffarpur
9. Sri Tribhuwan Pathak Son of Late Dr. Vidya Sagar Pathak, resident of village Janapur, P.O. Jiradei, District Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SANJEEV KUMAR MISHRA
For the I.O.C.L. : Mr. Anil Kumar Jha, Sr. Advocate
Mr. Sanat Kumar Mishra.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-03-2016

The present writ application has been filed for quashing the letter dated 11.04.2011 (Annexure- 4) issued under the signature of the Senior Divisional Manager, Retail Sales, Muzaffarpur by which the merit panel of the petitioner has been cancelled on the ground of non submission of original affidavit and also to declare the petitioner as successful candidate and issuance of letter of intent in favour of

the petitioner.

2. Pursuant to an advertisement dated 11.08.2007 issued by the Indian Oil Corporation Limited (in short IOC) for appointment of Kisan Sewa Kendra at different places including Jamapur in the district Siwan, the petitioner applied for such appointment being eligible for the same.

3. Learned counsel for the petitioner submits that clause 9 of the advertisement required submission of all the documents duly affidavited, but owing to inadvertence, only photocopies of the affidavited documents were furnished. It is submitted that the respondent IOC has arbitrarily cancelled the merit panel in which the petitioner was declared 1st empanelled candidate in order of merit, on the sole ground that the petitioner had not submitted original affidavit in support of his claim for “Tie up Volume” in terms of the impugned letter dated 11.04.2011 (annexure-4).

4. Learned counsel for the respondent IOC, on the other hand, relies on the counter affidavit to oppose the writ petition by submitting that the petitioner had admittedly failed to furnish original copy of the affidavit regarding the Tied up Volume along with the application form which was required in terms of the advertisement. Submission of photo copies of the documents was not contemplated by the advertisement which categorically provided that the documents



once submitted could not be permitted to be amended or removed nor any fresh document would be accepted subsequently. It was further specifically provided that any document submitted after the cut off date would not be considered and no correspondence in that regard would be entertained.

5. Having heard learned counsel for the parties and on consideration of the materials on record, this Court does not find any merit in this writ application. It is not in dispute that the petitioner did not apply in accordance with the terms of the advertisement as he failed to furnish the affidavited documents. It is also evident from the terms of the advertisement that the documents once submitted were final and no further document would be open for consideration by the IOC. A Division Bench of this Court in the case of **M/S. Indian Oil Corporation Limited Vs. Raj Kumar Jha, 2012(2) PLJR, 783** has held as follows in paragraph 10 of the judgment which reads thus :

“The learned Single Judge ought not have interfered with the decision of the Corporation which was taken in consonance with the terms and conditions contained in the advertisement. Besides; may be, in the present case it was a mere typographical error. However, there might be a case of mischief or misrepresentation also. It is difficult to draw a line where an error ends and a mischief or misrepresentation begins. The best way to void discrimination is strict adherence to the standards mentioned in the advertisement.”

6. In the above view of the matter, the impugned order dated 11.04.2011 as contained in Annexure- 4 issued by the IOC does not require any interference. This writ application is, thus, dismissed.

(Vikash Jain, J)

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