

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21891 of 2011

Dr. Shailendra Mohan Thakur S/O Sri Mithilesh Chandra Thakur
Resident of Village and P.O. Pararia, Via Bahera, District Darbhanga
(Bihar).

..... Petitioner

Versus

1. The Union of India through the Ministry of Petroleum and Natural Gases, New Delhi.
2. The General Manager, Indian Oil Corporation, Bihar State Office, Patna 5th Floor, Jai Prakash Bhawan, Dak Bungalow Chowk, Patna.
3. The Senior Divisional Manager Retail Sales, Muzaffarpur Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur 842 001
4. The Divisional Retail Sales Manager, Indian Oil Corporation, Opposite Barauni Refinery Thana, P.O. Barauni Refinery, District Begusarai.

..... Respondents

Appearance :

For the Petitioner : Mr. Damodar Prasad Tiwary, Advocate
Mr. Braj Bhushan Mishra, Advocate
Mr. Prakash Shekhar Kumar, Advocate
For the IOCL : Mr. Anil Kumar Jha, Sr. Advocate
Mr. Sanat Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-04-2016

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

2. The present writ petition has been filed as the petitioner is
aggrieved by the cancellation of his empanelment for dealership of
Kisan Seva Kendra, location Shiv Sagar Ghat, District Darbhanga for
which the petitioner had been declared the first empanelled candidate;
and for connected reliefs.



3. Learned counsel for the petitioner submits that the action of the respondent Corporation is wholly arbitrary as the petitioner's selection as the first empanelled candidate had been cancelled after a lapse of almost a year. It is stated that he filed a complaint dated 06.08.2010 to the General Manager of the respondent Corporation raising a grievance with regard to inspection of the site offered by him by the representatives of the Corporation.

4. Learned Senior Counsel Mr. Anil Kumar Jha appearing for the respondent Corporation relies on the counter affidavit to submit that no fault can be found with the action of the Corporation. It is submitted that in accordance with the guidelines, the earlier selection panel stood cancelled and the procedure for fresh selection after investigation was required to be carried out from among the eligible candidates. The petitioner appeared in the fresh interview but was not placed in the merit panel. It is further pointed out that the petitioner's complaint dated 06.08.2010 has already been disposed of by the Corporation as far back as on 14.02.2011 itself (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. The complaint petition dated 06.08.2010 (Annexure-8) filed by the petitioner has already been disposed of by the Corporation on 14.02.2011 (Annexure-B). It transpires that on a complaint by the

second empanelled candidate, Sri Ajay Kumar Jha, against wrong allotment of marks, the Corporation conducted an enquiry through competent authorities and found discrepancies in the allotment of marks and accordingly cancelled the earlier merit panel. A perusal of the Corporation's letter dated 14.02.2011 discloses that on investigation, the land offered by the petitioner had not met the requirement of the minimum plot size (20 mtrs. x 20 mtrs.). Significantly, the petitioner has not refuted the statements of the Corporation contained in its counter affidavit as no rejoinder thereto has been filed by the petitioner.

6. In the above view of the matter, the writ petition, being devoid of merit, is dismissed.

(Vikash Jain, J)

Chandran

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CAV DATE	
Uploading Date	02.05.2016
Transmission Date	