

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8596 of 2016**

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Amrendra Das, Son of Sri Satya Narayan Das, Resident of Belari, P.O.-  
Belari , P.S.- Shambhuganj, District Banka (Bihar).

.... .... Petitioner/s

Versus

1. The Indian Oil Corporation Ltd. G-9 Ali Yavar Jung Marg Bandra East Mumbai- 400051 through its Managing Director.
2. The Managing Director Indian Oil Corporation Ltd. G-9 Ali Yavar Jung Marg Bandra (East) Mumbai – 400051.
3. The General Manager, Indian Oil Corporation Ltd (M.D) Bihar State Office Lok Nayak Jai Prakash Bhawan (5th Floor) Dak Bunglow Chowk, Patna-800001.
4. The General Manager (Retail Sales) Bihar State Office, Indian Oil Corporation Ltd. Lok Nayak Jai Prakash Bhawan 5th Floor Dak Bunglow Chowk, Patna-800001.
5. The Chief Manager (RS) Bihar State Office, Indian Oil Corporation Ltd. (M.D.) Bihar State Office Lok Nayak Jai Prakash Bhawan (5th Floor) Dak Bunglow Chowk, Patna-800001.
6. The Senior Divisional Retail Sales Manager, Begusarai Divisional Office, Barauni Oil Refinery, Begusarai Bihar.
7. Sri Gyan Chandra Bhagat S/o Sri Ishwari Prasad Bhagat Resident of Village & Post - Khesar, P.S.- Belhar District Banka.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Respondent/s : Mr. Anil Kumar Sinha, Advocate

Mr. Amlesh Verma, Advocate

Mr. Ankit Kumar Katriar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      22-06-2016                      Heard Mr. Diwakar Upadhyaya, learned counsel  
  
appearing for the petitioner and Mr. Ankit Kumar Katriar A.C.  
  
to Mr. Anil Kumar Sinha representing Indian Oil Corporation  
  
and its authorities.

The petitioner is aggrieved by the order dated 5.4.2016  
passed by the General Manager of the respondent-Corporation  
communicated to the petitioner vide letter dated 7.4.2016



whereby the representation raising objections to the selection of the private respondent for operating Kisan Seva Kendra has been rejected. The copy of the complaint is placed at Annexure-4 series and *inter alia* rests on an affidavit enclosed therewith to canvass that the affidavits filed by the private respondent supporting his claim of prospective consumers are forged documents. According to the petitioner the affidavits filed by the private respondent present at Annexure-6 series are not valid and are forged documents.

Mr. Upadhyaya, learned counsel for the petitioner has referred to the affidavit filed by one Chandan Kumar Bhagat and some others to submit that these persons have disowned the affidavit so filed by the private respondent. According to Mr. Upadhyaya, since the claim of the private respondent as regarding prospective consumers rests on forged documents hence the declaration is found false and enough to reject the candidature.

The arguments of Mr. Upadhyaya has been contested by Mr. Katriar, learned A.C. to Mr. Anil Kumar Sinha to submit that the dispute raised by the petitioner is not confirmed by any court of competent jurisdiction on the issue of forgery. He further submits that although the affidavit towards prospective



consumers is a stipulation present in the eligibility criteria but all the candidates have been awarded equal marks. He thus submits that the affidavit of prospective consumers is not the basis for the award of contract. He further submits that the issue has been considered by the General Manager with a personal hearing given to the petitioner and the complaint has not been found sustainable on any of the issues raised.

I have heard learned counsel for the parties and I have perused the records including the reasoned order passed by the General Manager.

The entire argument of Mr. Upadhyaya, learned counsel for the petitioner rests on the subsequent affidavit filed by one Chandan Kumar Bhagat present at Annexure-5 series and others who have disowned their earlier affidavits. This issue has been considered by the General Manager in the impugned order and has not been upheld and rightly so since an issue of forgery is leveled by the petitioner is an issue of fact and requires to be confirmed before the court of competent jurisdiction which aspect is completely absent in a present case. A mere different stand taken by a person on its own is not sufficient to confirm the charge of forgery unless the signature disowned by him is proved to be forged by a competent forum.

The submission of Mr. Katriar, learned A.C. to Mr. Anil Kumar Sinha that equal marks were allotted to the candidates on the issue of prospective consumers, again provides no strength to the contest.

Even otherwise the award of contract being a commercial venture the Corporation are best suited to take a call as to the most suitable candidate for a dealership and there being a difference of almost six points in between the petitioner and the private respondent, the bogey created by the petitioner, does not persuade this Court to interfere with the decision so taken.

The writ petition is disposed of.

**(Jyoti Saran, J)**

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