

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9717 of 2014

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Nita Kumari Wife of Vinod Kumar Resident of Village Ramgarh, P.O- Siswan,
P.S- Siswan, District- Siwan

.... Petitioner

Versus

1. The MD, of Indian Oil corporation, Eastern Region, Marketing Division, Indane Area Office, Patna.
2. The Chief Area Manager, Patna Area Office, Indian Oil Corporation Limited, First Floor, Shahi Bhawan, Exhibition Road, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate

For the Respondents : Mr. Anil Kumar Sinha, Advocate
Mr. Amlesh Kumar Verma, Advocate
Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08.03.2016

Heard learned counsel for the petitioner and learned
counsel for the Respondent Indian Oil Corporation Limited.

2. The present writ petition has been filed for quashing
the order dated 06.03.2014 passed by the Chief Area Manager,
Patna Area Office of Indian Oil Corporation Limited ("IOCL" for
short) and for award of the dealership of Rajiv Gandhi Gramin
LPG Vitrak ("RGGLV" for short) at Ramgarh, District Siwan in
favour of the petitioner.

3. Pursuant to advertisement dated 28.06.2013, the
petitioner applied for award of RGGLV and was selected through
draw of lots held on 26.10.2013 pursuant to which she made the



requisite deposit of security money of Rs. 20,000/-. In her application, the petitioner offered the land which is claimed to be situated at Birti Mauja being adjacent to Ramgarh Mauja. Moreover, the petitioner also offered another plot of land of her father-in-law which, after his death, belonged to the petitioner and her husband, but the same has not been accepted by the IOCL.

4. Mr. N.K. Agrawal, learned Senior Counsel appearing for the petitioner makes a short submission to the effect that the requirement of offered land cannot be treated as mandatory at the time of application and the land may be made available even after the selection. Reliance is placed on a decision of the Apex Court in *K. Vinod Kumar vs. S. Palanisamy and others* [(2003)10 SCC 681] for the above proposition.

5. Learned counsel for the Respondent IOCL submits that no fault can be found with the action of the Respondents in rejecting the petitioner's candidature. A perusal of the impugned order dated 06.03.2014 clearly discloses that the land vide Khata No. 228, Khesra No. 742 offered in the petitioner's application was situated in village Birti and not in the advertised location village Ramgarh. Moreover, the IOCL has also considered the alternative plot of land offered by the petitioner, but the same was also not found eligible as the same stood in the name of the

petitioner's deceased father-in-law and not in the name of the petitioner or any member of her family unit as required in terms of the policy.

6. Having heard the parties and on a careful consideration of the materials on record, this Court does not find any merit in the writ application. It is not in dispute that the land offered by the applicant did not meet the eligibility criteria as the same being situated in village Birti fell outside the advertised location being village Ramgarh. Reliance placed on K. Vinod Kumar's case (supra) does not also come to the aid of the petitioner as the present case is not one where the alternative land offered by the petitioner subsequent to application has not been considered, rather even the alternative land offered after making the application was also not found eligible, and thus the petitioner's claim was rejected. The Respondents' action is therefore, in no way runs counter to the aforesaid decision of the Apex Court.

7. In the above view of the matter, the writ petition stands dismissed.

(Vikash Jain, J)

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