

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7599 of 2013

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1. Sandhya Devi Wife Of Santosh Kumar Resident Of Village - Targanj, Post - Sasaram, P.S. Sasaram, District - Rohtas at Saaram

.... Petitioner/s

Versus

1. The Union Of India, through Secretary Of Petrolia Department New Delhi
2. The Senior Regional Manager (Retell), Hindustan Petrolia Corporation, Limited, Patna, P.S. Patna, District - Patna
3. Dy. General Manager - NCZ, Hindustan Petrolia Corporation, Limited, Patna P.S. Patna, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate.

For the Respondent/s : Mr. RajeevPrakash, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-01-2017

Heard the parties.

In the present writ petition, petitioner is challenging the order dated 7.2.2013 passed by respondent nos. 2 and 3.

An advertisement was published by the Hindustan Petroleum dated 22.9.2011 for appointment of dealership of retail outlet on RHS between Tarachandi Temple and Sasaram Toll Gate towards Delhi on NH-2. In pursuance of the said advertisement petitioner had also applied for the same but after examining the records and field verification he has secured only 42.07 % marks whereas minimum qualifying marks for selection was required to be 50% for reserve category candidate in which



the petitioner belongs. But as petitioner could not succeed in securing the minimum qualifying marks as there was no other candidate, seeking for selection of appointment as dealer the authority of Hindustan Petroleum itself cancelled the project of opening the petrol pump.

Learned counsel for the petitioner submits that the authority has wrongly refused to grant the number on the item of land whereas Manki Devi who is the owner has given certificate including the rent receipt to show that the land belonged to her but the authority without looking to the material has awarded Zero mark whereas mark should be in a higher side. It has further been submitted that the land was standing in the name of Vikram Singh who happens to be the husband of Manki Devi has already died. She has stepped into the shoe of her husband and as such the plea of the authority of the Oil Corporation that the property in question does not belong to Manki Devi has no merit.

Learned counsel for the Hindustan Petroleum submits that petitioner has not properly filled up the form giving details of the land and ownership, now she cannot be allowed to fill up the lacuna by filing the present writ petition. As per the form entire details were required to be mentioned in the affidavit. If



the petitioner has failed to disclose every item which is essential for her selection she should blame herself for rejection of her application. In support of this plea learned counsel for the Oil Corporation has placed order passed by this Court in L.P.A. No. 925 of 2012 where it has been held that every material should be completed in the application and the party cannot be allowed to make correction or supplement the same by amendment. If application was not correctly filled up, any correction thereafter is not applicable and no additional document can be entertained.

Having considered the rival contentions of the parties even before this Court except bald statement no material has been brought to show that the name of Vikram Singh was standing in the revenue record. Mere filing of the rent receipt does reflects the true picture of ownership of the land and it was desirable for the petitioner who has not come out with the details in the application form so much so there should have been a clear statement that Manki Devi has also leased out the land in favour of Oil Corporation. As essential facts have not been mentioned in the application form this Court does not exercise the jurisdiction in favour of the petitioner and petitioner has not secure minimum marks in such view of the matter she is not entitled for retail outlet dealership.



However, in future if any advertisement is published the petitioner will be at liberty to participate in terms of the new scheme for selection of retail outlet of dealership.

With the aforesaid observation this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.1.2017
Transmission Date	NA

