

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13446 of 2015

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Jai Prakash, S/o Sri Ramprit Prasad Yadav residence of Mohalla - Chakdhani
Deviya, Maksudpur, P.S. Minapur, District - Muzaffarpur

.... Petitioner

Versus

1. Indian Oil Corporation Ltd. through the General Manager, (Marketing Division)
Bihar State Office: - Loknaya Jai Prakash Bhawan, Fifth Floor, Dak Banglow
Chawk, Patna 800001.
2. Senior Divisional, Retail Sales Manager, M/S Indian Oil Corporation Ltd.
Muzaffarpur Divisional Office, Krishna Complex, Akharaghat, Road,
Muzaffarpur.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Krishna Murari, Adv.
For the Respondent/s : Mr. Amlesh Verma, Adv.
Mr. Ankit Katriar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-01-2017

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

2. In this case, the petitioner is challenging the order dated
19.08.2013 passed by the Senior Divisional Retail Sales Manager,
Muzaffarpur Division Office, whereby and whereunder the selection
of the petitioner for dealership of Indian Oil Corporation has been
cancelled on the ground that on field verification it has been found
that the petitioner has committed a fraud by making a statement that
his bank account was showing Rs.23,75,908/- whereas the account
of the petitioner showing Rs.18,65,808/-. Explanation has been



given by the petitioner that on account of medical emergency he was compelled to withdraw some amount from his account.

3. In the present case, the Indian Oil Corporation has issued an advertisement for the allotment of dealership of Indian Oil Corporation. In pursuance thereof, the petitioner and others were applied for the same. The petitioner was at serial No.2 in the merit list. The person who was at the top of the list was not selected on account of misrepresentation which was found during the investigation. Accordingly, the petitioner was considered for allotment of dealership being second in the merit list and when the field verification was done, it was found that the petitioner has also made wrong statement and thereafter he was also not selected.

4. In order to substantiate the claim, learned counsel for the petitioner has brought on record the pass book of the petitioner in order to show that on the date of submission of the application his bank account was reflecting Rs.23,75,908/- and the finding recorded by the authority concerned that the bank account was reflecting Rs.18,65,808/- is completely wrong. But, on perusal of the pass book of the petitioner it appears that all through his account was showing that it has never crossed Rs.15,000/-, but all of a sudden on



24.10.2011 the bank account has received Rs.25,00,000/- and on the same day Rs.2,00,000/- was withdrawn and total amount was shown as Rs.23,75,908/- and thereafter the petitioner started withdrawing the money. So, it appears that this maneuvering has been made only for the purposes of obtaining the dealership, which is completely a fraud and misrepresentation.

5. Learned counsel for the petitioner also drawn the attention of the Court to the letter dated 21st December, 2012 which is annexed as Annexure-4 of this writ application. It will be necessary to quote relevant portion of the said letter, which reads as under:-

“The matter has been examined and it is clarified that the purpose of FIR is to bring facts before the competent authority to take a decision. It is prudent to mention that candidate can be made ineligible or his candidature cancelled only if deviations observed in the FIR amounts to misrepresentation/ suppression of information for becoming eligible or enhancing his merit. In cases where the deviation observed does not affect the eligibility/disqualification/the merit of the candidate, such deviations may not fall under the category of misrepresentation/suppression of information/giving false information which can attract cancellation of the candidature/declaring him



ineligible for dealership.”

6. On plain reading of the letter, it appears that it has two parts; if it relates to misrepresentation and suppressions of fact, then it will led to disentitle for the allotment of dealership, but mere a deviation will not be a basis for disqualification. But, the pass book of the petitioner which has been produced by the petitioner itself speaks volume.

7. In such view of the matter, this Court finds that no any error has been committed by the Corporation in cancelling the selection of the petitioner for dealership. Hence, this writ application is dismissed.

(Shivaji Pandey, J)

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AFR/NAFR	N.AF.R.
CAV DATE	N/A.
Uploading Date	18.01.2017
Transmission Date	

