

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17036 of 2013

=====

1. Md. Sayeed Anwar S/O Late Md. Islam Ansari Resident Of Village- Kanhouli,
P.O And P.S- Jhanjharpur, District- Madhubani.

.... Petitioner/s

Versus

1. The Hindustan Petroleum Corporation Ltd., Through Its Managing Director,
17,Jamshed Ji Tata Road, Mumbai- 800020
2. The Sr. Regional Manager (Retail), Begusarai Retail Regional Office C/O Hpcl
Barauni, Terminal, Nh- 31, At And P.O- Papraur, Begusarai.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh

For the Respondent/s : Mr. Rajeev Prakash

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-01-2017

Heard the parties.

In the present writ petition, petitioner is challenging the direction of the respondents in refusing to grant dealership licence for the petrol pump as sl.no.211 situated at National Highway -57 from Jhanjharpur to Phulparas on LHS within the district of Madhubani.

An advertisement was published by the respondent HPCL for grant of retail outlet dealership at various location including location no.211 situated at NH-57 which falls between Jhanjharpur to Phulparas. In pursuance thereof petitioner had also applied for the same but he could not be selected on the ground that he has obtained 51.24 marks whereas minimum qualifying



mark is 60 marks inasmuch as attention has been drawn by the learned counsel for the Oil Company that in column no.12 of the application which deals with details of land and there is sub-clause (d) which stipulates that “ Are you willing to transfer the land on sale/long lease to the Oil Company. There are two options Yes and No. He has marked “No”.

Learned counsel for the Corporation submits that it is an essential necessity, as for dealership he will have to lease out the land to the Oil Company. But he has shown disinterestedness of transferring the land in favour of Oil Company which is fatal blow on the candidature of the petitioner. On the two grounds case of the petitioner has not been taken into consideration, one there is change in the policy and second he has not made statement of leasing out the land to Oil Corporation inasmuch as another notification in year 2014 has been issued for the appointment of dealership in which petitioner has not applied against that advertisement.

Learned counsel for the petitioner submits that petitioner is ready to give the land on lease to Oil Corporation; in support of his statement he has filed an affidavit. Further submitted only one person has applied for dealership, under political pressure he has been granted dealership licence.



Having considered the rival contentions of the parties, admittedly the petitioner has not filled up the form in a proper manner as in the application he has marked “No” under the caption to transfer the land which is essential for dealership. Petitioner has not obtained minimum marks as per the statement made in the application. However, statement has been made that wrong has been done in the matter of selection and as such matter should be referred to the competent. Let the matter connected with selection of candidate with respect to advertisement of 2014 be looked into by the competent authority.

This Court does not find any merit in this writ petition. It is accordingly dismissed with the aforesaid observation.

(Shivaji Pandey, J)

Vinay/-

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

