

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.39 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 5550 of 2011**

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Dr. Bishwanath Prasad Singh, Son of Late Raj Narayan Singh, permanent resident of Mohalla - P & T Colony No. 2, Dahiyawan, P.S. Chapra Town, District - Chapra, presently resident Wing Commander (Retd), B - 124, Siwan Nagri, Greater Noida, District - G.B. Nagar (U.P.)

.... Appellant

Versus

1. M/s Indian Oil Corporation Ltd. having its Head Office at G - 9, Ali Yadav Jung Marg, Bandra (East), Mumbai through its Managing Director.
2. The General Manager, M/s Indian Oil Corporation Ltd., Bihar State Office, 5th Floor Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
3. The Deputy General Manager (LPG), Indian Oil Corporation Ltd., Bihar State Office, 5th Floor Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
4. The Chief LPG Manager, Indian Oil Corporation Ltd., Bihar State Office, 5th Floor Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
5. The State Retail Sales Manager (Lubes), Indian Oil Corporation Ltd., Bihar State Office, 5th Floor Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
6. Area Manager, India Oil Corporation Ltd., (M.D.), Indane Area Office, Shahi Bhawan, 1st Floor, Exhibition Road, Patna

.... Respondents

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Appearance :

For the Appellant : Mr. Dinu Kumar, Advocate.
For the Respondents : M/S. Anil Kumar Sinha, Amlesh Kr. Verma and Yash Mathur, Advocates.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-03-2017

C.W.J.C. No. 5550 of 2011 was dismissed by the learned Writ Court on 28.09.2015 on account of the fact that the empanelled candidates, Sri Hira Lal Prasad and Sri Asharphi Prasad Yadav were not impleaded as necessary parties.



Contention of the petitioner is that their empanelment was cancelled and therefore, they were not necessary party even if this contention is accepted, the fact remains that for the appointment allotment which was invited for the first time on 28.08.2000, the last date for filing the application was 11.10.2000. Thereafter, an advertisement was issued by the Indian Oil Corporation after a remand by the Writ Court on 10.07.2008 in the case of C.W.J.C. No. 1602 of 2006 filed by Hira Lal Prasad and in the case of C.W.J.C. No. 2150 of 2005 filed by Asharphi Prasad Yadav and after remand an enquiry was made and the Corporation thought it appropriate to re-advertise. The fresh advertisement was issued on 18.05.2012 and which was finalized by making allotment in favour of one Sri Surendra Prasad Yadav, in whose favour an agreement itself was executed and he was allotted the dealership way back in February, 2015.

All these facts were brought on record in C.W.J.C. No. 5550 of 2011 as it is evident from the original record of C.W.J.C. No. 5550 of 2011 and the petitioner did not think it proper either to challenge the advertisement dated 18.05.2012 or challenge the allotment made in favour of Sri Surendra Prasad Yadav. These being the factual position have been made out from the record.

We do not see any reason to interfere into the matter.



After remand having been made by this Court on 10.07.2008, the Corporation issued fresh advertisement on 18.05.2012 which has been finalized by the Corporation in favour of one Surendra Prasad Yadav and this being not challenged, no case is made out for interference.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

U.K./-

AFR/NAFR	NAFR
CAV DATE	NA
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