

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1535 of 2016

IN

Civil Writ Jurisdiction Case No. 10338 of 2014

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1. Meena Devi @ Mina Devi wife of Late Vidya Sagar Ram, Resident of village
& P.O.- Sundarpur, Barja, P.S. Bihiya, District - Bhojpur (Bihar).

.... Appellant/s

Versus

1. The Union of India through the Secretary, Department of Petroleum and Natural Gas, Mumbai.
2. The Territory Manager, Patna Retail, Territoary Bharat Petroleum Corporation Limited, Patna T.O.P. Pakari, Via - Anisabad, Patna (Bihar) 800002.
3. The State Coordibator, East Zone, Bharat Petroleum Corporation Limited Asiana Chamber, 3rd Floor, Exhibition Road, Patna - 800001.
4. The General Manager (Marketing) M/S Bharat Petroleum Corporation Ltd., Regd. Office - Bharat Bhawan 4 & 6 Currimbhay Road, Ballard Estates P.B. No. 688, Mumbai.
5. The Area Marketing Manager, B.P. I - I, 4th Floor, Asiana Chamber, Exhibition Road, Patna - 800001.
6. The Area Marketing Manager, B.P.C.L. Jharkhand.
7. The Territory Manager (Retail) B.P.C.L. Ranchi Depot., Station Road, P.O. Chutia, Ranchi 83001, (Jharkhand).
8. The T.M. (Retail) Ranchi & State Coordinator, B.P.C.L., Jharkhand.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arbind Kumar Singh, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-08-2017

Delay of 121 days in filing the appeal is condoned. I.A.



No.6018 of 2016 is allowed and disposed of.

Seeking exception to an order dated 25.2.2016 passed by the learned Writ Court in C.W.J.C. No.10338 of 2014, this appeal has been filed under Clause 10 of the Letters Patent.

The writ petition was filed in the year 2014 and in the writ petition the prayer made was to quash the communication dated 10.9.2008 issued by the Area Marketing Manager, Bharat Petroleum Corporation Limited, whereby a panel prepared in a selection process for grant of petroleum outlet on 30.8.2007 was cancelled.

The learned Writ Court found that the cancellation was on 10.9.2008 and, therefore, challenge to the same after a period of more than six years is belated. That apart, the learned Writ Court also found that if subsequently a merit list was prepared based on an interview conducted on 24.6.2012, as this action in the year 2012 was with regard to establishment of the petroleum outlet in the State of Jharkhand, the High Court at Patna would not have jurisdiction in the matter. Accepting both the aforesaid contentions, the writ petition has been dismissed as with regard to challenge to the letter dated 10.9.2008, there was inordinate delay and as far as the challenge to the merit list prepared on 24.6.2012 is concerned, the same was beyond the territorial jurisdiction of the High Court at Patna as the selection in this case was for establishment of a



petroleum outlet in Phusro Town in Bokaro.

In doing so, we are of the considered view, the learned
Writ Court has not committed any error warranting re-consideration.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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