

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8658 of 2013

Ranjit Kumar Son Of Udhav Prasad Yadav Resident Of Village- Shiv
Asthan Thawe, District- Gopalganj

.... Petitioner/s

Versus

1. Indian Oil Corporation Ltd., Bihar State Office, Lok Nayak Bhawan, 5th Floor, Dak Bunglow Chowk, Patna, District- Patna Through The General Manager
2. Deputy General Manager, Indian Oil Corporation Ltd., Bihar State Office, Lok Nayak Bhawan, 5th Floor, Dak Bunglow Chowk, Patna, District- Patna
3. Chief Area Manager, Patna Area Office, Indian Oil Corporation Ltd., Marketing Division (Eastern Region) Indane Area Office 1st Floor, Shahi Bhawan, Exhibition Road, Patna
4. Area Sales Officer, Marketing Division, Indian Oil Corporation Ltd., 1st Floor, Shahi Bhawan, Exhibition Road, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Raju Giri, Advocate
Mr. Santosh Kumar Mishra, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, Advocate
Mr. Amlesh Kumar Verma, Advocate
Mr. Yash Mathur, Advocate.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 21-04-2017 Heard learned counsel for the petitioner and
learned counsel for the Indian Oil Corporation.

The petitioner seeks quashing of the letter dated 06.03.2013 (Annexure-7) issued by the respondent no. 3 by which it has informed the petitioner that his candidature for award of Rajiv Gandhi LPG Vitrak (RGGLV) of Indian Oil Corporation Ltd. (hereinafter referred to "IOCL") at Thawe, in the district of Gopalganj has not been found



suitable for distributorship due to the discrepancies found at the time of field verification, as stated in Annexure-7.

Learned counsel for the petitioner has further prayed for commanding the respondents to award distributorship of Rajiv Gandhi LPG Vitrak (RGGLV) of Indian Oil Corporation Ltd. (hereinafter referred to “IOCL”) at Thawe, in the district of Gopalganj under open category advertised on 26.02.2012.

Learned counsel for the petitioner submits that the impugned order as contained in Annexure-7 is wholly illegal and arbitrary inasmuch as it suffers from non-disclosure of the reasons as to how the oil company came to a conclusion that the land offered by the petitioner did not belong to and fulfil the requirements of the advertisement which has been annexed to the present application as Annexure-1. It is further submitted that his candidature has been rejected as having been stated to be not in the advertised location which has necessitated the IOC in coming to the conclusion. It is further submitted that a bare perusal of the Annexure -1 would reveal that the offer to open the outlet was at village – Thawe and was not qualified to any specific area. Rather it was merely stated to be at Thawe in the



location column of the advertisement. Thus, the rejection of the candidature of the petitioner is wholly illegal and arbitrary and warrants interference by this Court. It is also stated in the impugned order that the petitioner does not belong to the advertised location and, therefore, is not a fit candidate for award of the outlet in his favour.

A counter affidavit has been filed by the IOC in which it has been stated that the petitioner's land did not qualify in terms of the advertisement and, therefore, the IOC has taken a considered decision to ignore the case of the petitioner as, admittedly, in all applications, he stated that he belongs to Shivstan (Thawe). The contention is that the location was advertised and the petitioner had applied giving his location to be Shivstan (Thawe) and not Thawe. He further submits that during field verification it was discovered that the petitioner's candidature could not qualify as he is also not a resident of the advertised location and the land offered was not, thus, fit for award of outlet in his favour. It has been submitted that the candidate is a resident of village Shivsthan (Thana No. 120) and the plot offered by him was also in the village Shivsthan (Thana No. 120). However, the Thana No. of the subject advertised location



i.e. village Thawe, is Thana No. 121. It is contended on behalf of the respondents that the block being the same but Thana being different, the petitioner does not qualify in the category of the advertised location and, therefore, his case has been rejected.

Be that as it may, it appears that such specification was not available in the advertisement issued by the Indian Oil Corporation as advertised location of the advertisement dated 26.02.2012 with regard to Thana at Gopalganj at Serial no. 57 of the advertisement merely referred to Thawe in both the columns. That being so, it is a matter of enquiry and the petitioner must be given liberty to explain the two circumstances and his case must be considered on the available material which was there at the time of advertisement. In this context it can well be said that the application of the petitioner has to be considered strictly in accordance with the terms of advertisement. Thus, while setting aside the letter dated 06.03.2013 contained in Annexure-7, this Court is of the opinion that the case of the petitioner is fit to be reconsidered as per terms of advertisement.

Accordingly, this Court remits back the case of



the petitioner to the concerned authorities to pass a fresh order in accordance with law after giving due notice to the petitioner and affording him an opportunity of hearing. The said decision should be taken within a period of three months from today on receipt/production of a copy of this order.

With the aforesaid observations/direction, the application stands allowed to the extent as stated above.

(Anjana Mishra, J)

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