

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1339 of 2013
IN
Civil Writ Jurisdiction Case No. 6161 of 2013**

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Sushma Singh wife of Prabhat Kumar Singh, Resident of Village - Sakkarddi,
Police Station - Koilwar, District - Bhojpur

.... Appellant/s

Versus

Indian Oil Corporation Ltd., through its Chief Area Manager, Indian Oil
Corporation Limited, First Floor, Shashi Bhawan, Exhibition Road, Patna

.... Respondent/s

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Appearance :

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

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 15-02-2017

Annulment of the candidature of the appellant for
LPG distributorship became the cause of action for challenge before
the learned Single Judge. The learned Single Judge vide order dated
18.04.2013 did not find the decision of the respondent-Indian Oil
Corporation to be arbitrary or irrational so dismissed the writ,
therefore, the appeal.

2. The submission of the counsel for the appellant is
that the learned Single Judge committed an error by not considering
the fact that soon after the verification of the land when it was found
to be one decimal less, the appellant's husband bought another piece



of land and the same was available before the final decision, therefore, that cannot become the basis of denying the benefit of selection made in favour of the appellant.

3. The finding of the learned Single Judge is that the requirement in terms of the advertisement was to be met by all the candidates at the time of advertisement. The declaration made by the appellant before the Company in her application form was actually verified on the ground and when the land was found to be short by one decimal, then the company decided to cancel the selection of the appellant because she failed to meet the minimum requirement laid down in the advertisement for such selection, as a LPG distributor under what is known as RGGLV scheme.

4. If the appellant was found ineligible by the Corporation as to the actual requirement of land and facilities and if mis-declaration was made in the application form, the company had every right to reject the selection of the candidate, as in totality she was not meeting the minimum requirements, at least in regard to the land. Any subsequent improvement thereon by additional acquisition or fresh purchase by the husband does not alter the situation in any manner because that is a subsequent development and any indulgence shown to the appellant with regard to such additional acquisition would violate Article 14 of the Constitution of India vis-à-vis other



candidates.

5. The appeal, therefore, lacks merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	NA
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