

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1416 of 2013

IN

Civil Writ Jurisdiction Case No. 23408 of 2012

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1. Yashwant Kumar S/O Late Madan Mohan Prasad Singh Resident Of Village-Dandari, P.S- Baliya, District- Begusarai.

.... Appellant/s

Versus

1. The Indian Oil Corporation Ltd., Through Its Chairman, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051 (India)
2. The General Manager, Bihar State Officer Loknayak Jaiprakash Bhawan, Dak Banglow Chauraha, Patna, Bihar
3. The Area Manager, Indian Oil Corporation Ltd., Indane Area Office, Begusarai
4. The Member Filed Verification Committee, Indian Oil Corporation Ltd., Indane Area Office, Begusarai.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Sanjay Singh

Mr. Ajay Kumar Singh

For the Respondent/s : Mr. Kali Das Chatterji, Sr. Advocate

Mr Amlesh Kumar Verma

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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: 30-03-2017

Heard learned counsel for the appellant and learned senior counsel for the Indian Oil Corporation Limited.

The appellant was one of the candidates, who applied for dealership of what is known as Rajiv Gandhi Gramin LPG Vitruk. The application was made, based on the declarations made therein, field verification was done and thereafter by impugned order dated 17.7.2012, a communication was made to the appellant rejecting his candidature for following reasons :



“During Field Verification it was observed that the title of the land offered by you in your application vide khesra No. 1630, Dandari was not with you as on the date of application i.e.25.11.2009. As per the correction slip issued subsequent to the Mutation case no. 1773/2011-12 was issued on 02/02/2012. The LPC for the said land was issued by CO, Dandari vide his letter of ref: 111 dtd 25/01/2012.”

The learned Single Judge having heard the rival submissions has concluded as under :

“The question, therefore, is whether the respondents was justified in rejecting the candidature of the petitioner on the ground that the petitioner had failed to establish his clear title and possession over the land with reference to the document in his possession at the time of filing of the application. Clause 6 of the Brochure provides eligibility criteria for RGGLV. Sub-Clause (vii) thereof requires that the applicant should own a suitable land/plot of required dimension at the advertised location. Own means having clear ownership/title of the property in the name of the applicant. There is no dispute that the land stood recorded in the name of the deceased father of the petitioner who had left behind two sons. The other brother has affirmed a consent affidavit. Column 9 of the application requires the applicant to set out the details of the land owned/possessed. The petitioner has disclosed his name in the column of owner. In the third column, the applicant is required to set out date of registration of sale deed/gift/date of mutation. Admittedly, the date on which the application was filed, the land stood recorded in the name of father of the petitioner in the revenue records. The mutation was applied and carried out subsequent to the filing of the application. The



land possession certificate was obtained from the Office of the Circle Officer, Dandari on 25.1.2012. Field verification was carried out on 17.3.2012. It does not appear that during the field verification, those documents were produced by the petitioner. If the respondents have set out certain conditions/criteria or a standard, then the same is required to be followed. Any deviation therefrom would give rise to arbitrariness. This Court in Mukesh Pandey versus H.P.C.L. (2012 (3) B.B.C.J. 535) noticed the ratio laid down by a Division Bench of this Court wherein it was held that no application/document shall be entertained if the same is filed after the last date specified in the advertisement that is one of the contemplations in the application as well as the notice inviting application (advertisement). It is evident that the petitioner produced the documents subsequently which were not available on the day when the application was presented. The land stood recorded in the name of deceased father who had two sons as his heirs one of them was married. In that view of the matter, if the respondent insisted on the mutation order showing actual physical possession of the petitioner over the land offered at the advertised location and the petitioner did not possess those documents at the time of filing of the application then no fault can be found. After all, the Corporation is a commercial organisation and it has to guard itself against possible litigation over the land offered by the selected candidate at the advertised location jeopardizing its interest in diverse ways.”

Rather detailed kind of submissions is made by learned counsel representing the appellant as to how his right, title and interest flows under the Hindu Law as a joint family and, therefore, according



to him, the reason for rejection as well as the reason provided by learned Single Judge refusing to interfere with the impugned order, needs to be set aside.

In the opinion of this Court, the Company in its advertisement laid down the requirements coupled with the eligibility in unambiguous terms. These are called the rules of the game and any person willing to play the game has to play strictly in terms of the rules. There should not be any occasion for interpretation required to be given as to who has complied and comes within framework of the rules and who has not. The judging has to be uniform

When a declaration was made by the appellant that the land in question stood in his name, the revenue records, including mutation, should reflect the same. The stand taken now that he being a coparcener with his dead father was also an owner of the land, but then it is his deduction, which does not go by requirements of the advertisement so does not meet the standards of such declaration.

When the application was filed by the appellant, the land still stood recorded in the name of his father. Father seems to have died years ago. Steps were not taken for mutation of the name of the present appellant, may be with his brother but that was done only in the year 2012, which is evident from the order of cancellation. Therefore, if the Indian Oil Corporation authorities went strictly by



the declaration and if the same was not found to be in consonance on actual field verification then they had reason to reject such application. In addition to that, the advertisement was of the year 2009. The decision for rejection was of the year 2012. Re-advertisement was made in the year 2013 and now we are in the year 2017 where even the procedure for such selection has changed and now the Government has brought about a ban in making such selection and appointments. Much has changed now.

In these circumstances, no interference is warranted with the order of the learned Single Judge. The learned Single Judge has been technical in adjudicating the matter but then the requirement of the law in such matters is sticking to the technicality of it and no leeway of interpretation is required to be given to each and every candidate with regard to his eligibility.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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