

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1210 of 2016

In
Civil Writ Jurisdiction Case No.21891 of 2011

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Dr. Shailendra Mohan Thakur Son of Mithilesh Chandra Thakur Resident of
Village and P.O. - Pararia, Via - Bahera, Police Station - Bahera, District -
Darbhanga.

... .. Appellant

Versus

1. The Union of India through the Ministry of Petroleum and Natural Gases,
New Delhi.
2. The General Manager, Indian Oil Corporation, Bihar State Office Patna, 5th
Floor, Jai Prakash Bhawan, Dak Bangla Chauk, Patna.
3. The Senior Divisional Manager, Retail Sales Muzaffarpur, Divisional Office,
Krishna Complex, Akharaghat Road, Muzaffarpur - 842001.
4. The Divisional Retail Sales Manager, Indian Oil Corporation Opposite
Barauni Refinery Thana.

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Damodar Prasad Tiwary, Advocate Mr. Braj Bhushan Mishra, Advocate Mr. Prakash Shekhar Kumar, Advocate
For the Respondent IOCL:		Mr. Anil Kumar Jha, Senior Advocate Mr. Sanat Kumar Mishra, Advocate

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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 : 13-02-2018

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

Since the writ application of the appellant was dismissed by
the learned single Judge refusing to interfere with the decision of
the Indian Oil Corporation Limited appointing the private
respondent as fittest candidate for Kishan Seva Kendra at Shiv



Nagar Ghat, District-Darbhanga, this intra-Court appeal has been preferred.

After having perused the records as well as pleadings of the parties, the reason for non-selection of the present appellant was failure on his part to provide land which matched the requirement of the Company for setting up of the said outlet.

The minimum plot size which was required in terms of the advertisement was 20 meters x 20 meters. However, the size of the plot offered by the present appellant did not have the depth of 20 meters. It was only about 15.6 meters, though it had a long frontage. But since the dimension laid down in the advertisement was a must for the efficient running of the outlet thereof, the allegations that initially he was placed at number one position and, therefore, without hearing or any opportunity given, he could not be divested of the award of the outlet in question has no meaning.

The shortlisting of candidates is also followed by a field inspection report and only after the field inspection findings, and the declarations made by the parties are found in order that the final decision or letter of intent is issued.

In this case the land offered by the appellant did not have the requisite minimum dimension needed for outlet in question.



In view of the above, the Court is not inclined to interfere
with the decision of the learned single Judge dated 27.04.2016.
appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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