

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13560 of 2010

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1. Rajeev Kumar S/O Sri Braj Kishore Mishra R/O Vill Samardah, P.O.Saharkola, P.S.Basantpur, Distt-Siwan
 2. Anupam Kumar S/O Sri Panchanand Singh R/O Vill Sari Patti, P.O.& P.S.Bhagwanpur Hatt, Distt-Siwan
 3. Pramod Kumar S/O Late Sudama Choudhary R/O Vill & P.O.Parouli, P.S. Basantpur, Distt-Siwan
 4. Katyayani Krishna Parasara @ Katyayan Krishna S/O Dr. Dayanand Singh R/O Afrad Road Maharajganj, Near Sihouta Bangara High School, P.O.& P.S.Maharajganj, Distt-Siwan
 5. Jyoti Shekhar S/O Sri Mandal Deo Prasad Singh R/O Vill Sari Patti, P.O.& P.S.Bhagwanpur Hatt, Distt-Siwan

.... Petitioners

Versus

1. The Union Of India Through The Ministry Of Petroleum And Natural Gases Government Of India, Shastri Bhawan, New Delhi Through The Secretary
2. The Petroleum Secretary, Department Of Petroleum And Natural Gases Government Of India, Shastri Bhawan, New Delhi
3. The Chairman , Indian Oil Corporation Limited Null Scope Complex, Lodhi Road, New Delhi
4. The General Manager, Bihar State Office, Indian Oil Corporation Limited 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowraha, Patna
5. The Senior Area Manager , Indane Area Office , Indian Oil Corporation Limited 1st Floor, Shahi Bhawan, Exhibition Road, Patna

.... Respondents

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Appearance :

- For the Petitioners : Mr. S.B.K. Mangalam
Ms. Aradhna Kamal, Advocates.
- For the IOCL : Mr. Anil Kumar Jha, Sr. Advocate.
Mr. Sanat Kumar Mishra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-08-2018

The present writ petition has been filed for a direction to the respondent authorities to produce on record the decision of the authority deciding to hold re-interview/fresh interview of the



candidates on 09.08.2010 at Indane Area Office for allotment of distributorship of Liquefied Petroleum Gas (hereinafter referred to as 'the L.P.G.') at Basantpur Development Block pursuant to the advertisement dated 18.02.2002 and on production the same may be quashed; to re-advertise the location i.e. award of distributorship of Liquefied Petroleum Gas at Basantpur to provide an opportunity to the petitioners and other eligible persons also to apply for selection.

2. Learned counsel for the petitioners submits that the first candidate in the merit list as appearing in the result of selection published by the Dealer Selection Committee on 22.11.2003 was disqualified, complaints were filed against her. The Committee found irregularities in the selection process and therefore recommended for re-interview of all eligible candidates for selection. It is submitted that such recommendation was vague and did not provide for re-advertisement to enable all candidates who were not eligible to apply in 2010 but later on became eligible, would also be entitled to apply.

3. Learned counsel for the respondent-Corporation, on the other hand, opposes the writ petition on various grounds including its non-maintainability. Reference is invited to paragraph-5 of the supplementary counter affidavit filed as far back as in April, 2015 after serving a copy on learned counsel for the petitioner,



wherein it has clearly been stated that Letter of Intent dated 27.02.2012 was issued to Sri Shailendra Kumar Singh, the second candidate in the merit list. After such Letter of Intent, a letter of appointment dated 28.08.2012 was also issued to the said Sri Shailendra Kumar Singh and the distributorship was commissioned. It is submitted that despite three years having elapsed since copy of the supplementary counter affidavit was served, no attempt has been made to implead Sri Shailendra Kumar Singh as a respondent till date.

4. Even otherwise it is submitted that Clause 2.3.2 of the Corporation's letter dated 29.04.2010 on the subject of Handling complaints in Selection of Dealers/Distributors, provides that "wherever there is error in award of marks by L-2 committee which affects merit panel, **re-interview for all the eligible candidates, who have appeared in the interview earlier, will be conducted**". It has been stated in paragraph-12 of the counter affidavit that investigation was carried out pursuant to complaints with respect to declaration of results and it was found that the merit panel was vitiated on the grounds of incorrect marking done by the Distributor Selection Committee. It is therefore submitted that re-interview held in accordance with Clause 2.3.2 suffered from no infirmity and no re-advertisement was required.

5. Having heard the parties and on a consideration of



the materials on record, this Court finds the writ petition to be devoid of merit. In view of categorical statement in paragraph-5 of the supplementary counter affidavit to the effect that letter of appointment dated 28.08.2012 was issued to Sri Shailendra Kumar Singh and the distributorship has been commissioned, the said Sri Shailendra Kumar Singh became a necessary party required to be impleaded in the writ petition as a right had come to be vested in him. The writ petition therefore suffers from non-joinder of necessary party and cannot be maintained. From the averments in the writ petition itself, it is clear that the petitioner was not an applicant in the advertisement and for this reason as well he has no *locus standi* to question the decision of the Dealership Selection Committee.

6. The writ petition accordingly stands dismissed as not maintainable.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.08.2018
Transmission Date	N.A.

