

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12139 of 2013

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Abdul Mannan aged about 42 years, S/O Late Mukhtar Ahmad of Vill - Mahui Nauka Tola, P.O. - Mahui, P.S. - Ramnagar, Dist - West Champaran

.... Petitioner

Versus

1. The Union of India through Secretary, Ministry of Oil and Natural Resources
2. The Indian Oil Corporation Limited through its Managing Director, G-9 Ali Yavar Jung Marg, Bandra (East), Mumbai, Maharashtra
3. The Chief Area Manager, Indian Oil Corporation Limited, Lok Nnayak Jai Prakash Bhawan, 5th Floor Dak Bunglow Road, Patna
4. The Branch Manager, Uttar Bihar Gramin Bank , Ramnagar Branch, West Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. Ansul, Advocate.
For the IOC : Mr. Anil Kumar Sinha, Advocate.
For the Bank : Mr. Prabhakar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-08-2018

The present writ petition has been filed for the following reliefs –

- “(A) A writ in the nature of certiorari or any other appropriate writ, order/s, direction quashing the Letter No. PAT/LPG/RGGLV/Mahui dated 28.03.2013 informing the petitioner that his application for award of Rajiv Gandhi LPG Vitrak (RGLPGV) of Indian Oil Corporation Limited (MD) at Mahui, District- West Champaran under open category advertised on 26.02.201 has been cancelled due to inadequacy of liquid fund as per policy and any further steps for allotment of dealership to others (Annexure-6)*
- (B) A writ in the nature of Mandamus or any other*



appropriate writ, order/s directions commanding the respondents-

- (i) To award the Rajiv Gandhi LPG Vitrak to the petitioner where his candidature has been canceled after declaring him to be selected, on flimsy and non est grounds.*
- (ii) To restrain the respondents from proceeding further with the allotment of aforesaid dealership to any other person.*
- (C) To any other reliefs to which the petitioner is found entitled to."*

2. Learned counsel for the petitioner submits that the petitioner had applied for award of Rajiv Gandhi Gramin LPG Vitrak (hereinafter referred to as the 'RGGLV') but his candidature has been rejected by the impugned letter dated 28.03.2013 (Annexure-6) on grounds of 'not having adequate liquid fund as per policy'. It is submitted that the cut-off date in the case of the petitioner was 31.03.2012 on which date it was required to have a balance of Rs. 2,00,000/- in the Savings Account of the family unit. It is stated that there was a credit balance of Rs. 1,80,671/- in Savings Bank Account No. 3411 with the Uttar Bihar Gramin Bank and in addition to which a cheque of Rs. 24,000/- was deposited on 28.03.2012 which could however not be credited before the cut-off date. It is therefore submitted that the respondents ought to have taken the balance in the



Savings Account after including the value of the deposited cheque.

3. Learned counsel for the respondents-Corporation on the other hand opposes the writ petition, submitting that the requirement of Rs. 2,00,000/- were merely the eligibility criteria for liquidity and the same has not been basis for rejection of the petitioner's candidature. It is pointed out that the petitioner had claimed an amount of Rs. 3,35,349/- as deposited in his Savings Account/investment which earned him 41 marks as provided in Clause- 11 of the Appendix-C to the Brochure for selection of RGGLV relating to a evaluation criteria, in terms of which one mark was to be awarded on every unit of Rs. 8000/- or more in multiple of Rs. 8000/-. It is pointed out that in course of Field Verification of Credentials (FVC), the petitioner was found to have an amount of Rs. 2,28,266/- only in Savings Account, FD investment and LIC. As such the 41 marks earlier awarded to the petitioner on the basis of Rs. 3,35,349/- stood reduced to 28.53 marks. In the aggregate therefore, the petitioner who had been awarded 91 marks earlier during scrutiny of application, was awarded 73.53 marks after FVC. The petitioner therefore fell short of the minimum qualifying score of 80 marks and his candidature has rightly been rejected.

4. Having heard the parties and on consideration of the materials on record, this Court finds the writ petition to be devoid



of merit. The stand of the respondent-Corporation in paragraph-6 of the counter affidavit to the effect that 41 marks awarded to the petitioner during application scrutiny on account of liquidity was reduced to 28.53 marks on the basis of Rs. 2,28,266/- only, has not been challenged nor questioned as incorrect. So also the petitioner has not called in question the grant of an aggregate 73.53 marks against the minimum qualifying score of 80 marks as per RGGLV selection policy. This Court therefore finds no infirmity in the impugned order cancelling the petitioner’s selection for grant of RGGLV.

5. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.08.2018
Transmission Date	N.A.

