

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12838 of 2013

=====

Babita Kumari Wife Of Vikas Kumar Ram Resident Of Village - Madhopur, P.S. -
Barauli, District - Gopalganj

.... Petitioner/s

Versus

1. The General Manager Bharat Petroleum Corporation Ltd. Patna L.P.G. Territory
2. The Territory Manager (Lpg), Patna Bharat Petroleum Corporation Ltd. Patna
3. The Area Field Manager, Bharat Petroleum Corporation Ltd. Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate

For the Respondent/s : Mr. Sanjay Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 17-09-2018

Heard learned counsel for the parties.

2. The present writ petition has been filed for quashing the letter dated 02.05.2013 (Annexure-4) issued under the signature of Respondent No.2 whereby and whereunder candidature of the petitioner as L.P.G. Distributorship at Barauli (Madhopur), District-Gopalganj under SC category advertised on 18.05.2010 has been refused.

3. Learned counsel for the petitioner submits that the



respondents have acted arbitrarily in rejecting the petitioner's application. It is submitted that the petitioner had offered two plots of land bearing Khesra No.956 in the name of her mother-in-law Phoolmati Devi, who died in the year 2000, as well as Khesra No.1018 in her own name and the total aggregate dimension of the two plots fulfilled the requisite criteria.

4. Learned counsel for the respondent-Corporation, on the other hand, submits that Khesra No.956 did not qualify for consideration as the petitioner is a married lady and the land offered standing in the name of her late mother-in-law was not eligible for consideration. He refers to the note below Clause-13 of the Application Form according to which, in the case of married applicant, 'Family Unit' consists of self, spouse and unmarried son(s)/daughter(s). It is, therefore, clear that mother-in-law is not included in the term 'Family Unit' and the land standing in the name of the petitioner's mother-in-law cannot be considered for the purposes of the petitioner's application.

5. Having heard learned counsel for the parties and the materials available on record, this Court finds that this application is devoid of merit. As pointed out on behalf of the respondents, in the case of married applicant, land standing in the name of mother-in-law is not eligible to be considered in the hands of the petitioner inasmuch



as mother-in-law is not included in the term ‘Family Unit’. The petitioner has been unable to show otherwise. It is also not in dispute that the land vide Khesra No. 1018 in the petitioner’s own name was insufficient by itself and did not fulfil the minimum dimension required.

6. The writ petition, is accordingly, dismissed.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28-09-2018
Transmission Date	N/A

