

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13432 of 2013

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Ruby Kumari wife of Rajesh Kumar, resident of Village- Salkhua, P.S. Salkhua,
District- Saharsa

.... Petitioner

Versus

1. The State of Bihar
2. Sub Divisional Officer, Simri Bakhtiarapur, Saharsa
3. Circle Officer, Salkhua Anchal, Saharsa
4. The Chairman Selection Committee Bharat Petroleum Corporation Ltd. IIIrd Floor, Ashiyana Chambers, Exhibition Road, Patna
5. The Area Marketing Manager, Bharat Petroleum Corporation Ltd. IIIrd Floor, Ashiyana Chamber, Exhibition Road, Patna
6. The E.D. (Retail Outlet East) Bharat Petroleum Corporation, Plot No. 31, Prince Gulam Md. Sheikh Road, Gulf Green Kolkatta
7. The Chief Vigilence Officer, Bharat Petroleum Corporation Ltd. Bharat Bhawan 4 and 8 Curribhay Road, Ballard Estate P.N. No. 699, Mumbai- 400001
8. The Secretary, Govt. of India, Central Vigilance Committee, Bharat Petroleum Satrakata Bhawan, Block (A) G.P.O. Complains, New Delhi- 10023
9. Smt. Chandra Kanti wife of Ramesh Yadav, resident of village + P.O. + P.S. Salkhua, Distt.- Saharsa
10. D.M., Saharsa.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shiva Shankar Sharma, Advocate.

For the Resp. Nos. 4 to 8 : Mr. Amaresh Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2018

The present writ petition has been filed for quashing the communication made by respondent no. 5 to the petitioner by way of disposal of the complaint as contained in Annexure-10 by upholding the selection of private respondent no. 9 for rural outlet dealer as contained in Annexure-2.



2. Learned counsel for the petitioner submits that the respondents have acted arbitrarily in awarding the Rural Retail Outlet to the respondent no. 9 on the basis of forged documents by awarding 20 marks to the respondent no. 8 as resident of revenue village (Annexure-2). Pursuant to an R.T.I. application, it was informed by the S.D.O. vide letter dated 18.01.2012 (Annexure-8) that no such residential certificate had been issued to the respondent no. 9. The Circle Officer has also similarly informed on 21.02.2013 (Annexure-9). It is therefore submitted that the respondent no. 9 has illegally been granted 20 marks on the basis of residential certificate.

3. Learned counsel for the respondent Corporation opposes the writ petition and invites reference to paragraph-3 of the counter affidavit. It has been stated that due enquiry was conducted in the matter of the residential certificate of the respondent no. 9. The Circle Officer, Salkhua has communicated to the Deputy Manager Sales (R), BPCL, Purnea vide letter dated 10.06.2013 (Annexure-12) that the residential certificate dated 19.09.2011 was issued from the office of the Circle Officer. However the issue number was inadvertently not marked and hence it was erroneously stated in response to the RTI application that the residential certificate had not been issued from the office. On subsequent verification, it was found that residential certificate was in fact issued to the respondent no. 9 and a fresh



residential certificate was also issued (Annexure-13).

4. Having regard to the nature of the grievance of the petitioner and the stand in the counter affidavit, this Court finds the writ petition to be devoid of merit. The Circle Officer has reasonably explained the circumstances in which it was earlier informed that the residential certificate had not been issued to the respondent no. 9. Subsequently however on verification the Circle Officer has confirmed the correctness and genuineness of such residential certificate. The stand of the respondent Corporation has not been disputed and no rejoinder to the counter affidavit has been filed.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	05.09.2018
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