

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.70 of 2018

IN

Civil Writ Jurisdiction Case No. 22776 of 2013

=====

Poonam Devi, Wife of Sri Santosh Kumar Gupta, resident of Village- Manjhagarh
Purani Bazar, P.O. and P.S.- Manjhagarh, District- Gopalganj.

.... Petitioner/Appellant/s

Versus

1. The Indian Oil Corporation Ltd. through its Senior Divisional Retail Sales Manager, Marketing Division, Muzaaffarpur, Divisional Office.
2. The Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd. Marketing Divisional, Muzaaffarpur Divisional Office.

.... Respondents/Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shivendra Kishore

Mr. Md. Anisur Rahman

For the Respondent/s : Mr. Anil Kumar Sinha

Mr. Akash Keshav and Mr. Yash Mathur

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-04-2018

Heard learned counsel on I.A. No. 287 of 2018. This is an application for condonation of 207 days of delay in filing the present appeal. Keeping in view the reasons indicated in this application and the submissions made in support thereof, the application is allowed. The delay in filing the appeal is condoned.



Seeking exception to an order dated 19.05.2017 passed by the learned Writ Court in CWJC No. 22776 of 2013 this appeal has been filed under Clause 10 of the Letters Patent.

The petitioner-appellant applied for award of Petroleum/Diesel Outlet, Kishan Seva Kendra at Bakhraur in the district of Gopalganj. Even though initially the allotment was made but the same was cancelled on the ground that the petitioner did not fulfill the criteria laid down in the matter of maintaining a specified balance in the bank account. On enquiry conducted, it was found that under Clause 10 (K) of the Brochure in the category of Liquid Cash certain amount was to be kept in reserve in the bank account and the petitioner was found to have maintained the same till the date of submission of the application and thereafter the amount was reduced. The learned Writ Court rejected the writ petition on the ground that the petitioner cannot be granted the benefit as she did not fulfill the required norms. Mischief played and the malafide of the petitioner in this regard were also taken note of by the learned Writ Court.

Having heard learned counsel for the parties we find that the learned Writ Court has gone into various aspects of the matter in detail and finding the petitioner to be ineligible has dismissed the writ petition. In doing so, in our considered view, no error has been committed by the learned Writ Court warranting reconsideration.



The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

mr.l./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.04.2018
Transmission Date	

