

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7444 of 2011

1. Jogendra Das, aged about 37 years, Son of Ram Chandra Das, Resident of Village - Maida Babhangama, PS - Birpur, District - Begusarai.
2. Ambuj Kumar, Son of Sri Achuta Nand Singh, Resident of Village - Bihat, PS - Barauni, District - Begusarai.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Limited, Barauni Refinery, At - Begusarai, District- Begusarai, Bihar through the General Manager.
2. The Senior Human Resources Manager, Indian Oil Corporation Limited, Barauni Refinery, At + PS & District - Begusarai.
3. The Deputy General Manager (HR), Indian Oil Corporation Limited, Barauni, Refinery, At – Begusarai, District- Begusarai.
4. Kushagra Shrivastava
5. Bablu Poddar
6. Golak Bihari Soy
7. Kishore Kumar
8. Akhilesh Kumar
9. Nitesh Kumar
10. Ram Pravesh Kumar
11. Rishi Kant
12. Md Rahbar Islam
13. Suman Kumar Shrivastava
14. Gautam Nath
15. Abhay Kumar Singh
16. Rajnish Kumar Singh
17. Arun Kumar Poddar.
18. Diwakar Kumar
19. Shammi Akhatar.
20. Subhas Kumar.
21. Kumar Rishikesh
22. Deepak Kumar.
23. Manoj Kumar.
24. Suresh Kumar.
25. Prahlad Kumar Chandan.
26. Chandan Kumar Sharma.
27. Rahul Kumar Singh



28. Sunirmal Biswas.
29. Ramesh Nath Mishra.
30. Shyam Kumar Singh
31. Ramanand Paswan.
32. Deb Nath Manjhi
33. Chanchilesh Kumar.
34. Sajanand Sahu

... .. Respondent/s

Appearance :

For the Petitioner/s : M/s Rajeev Kr Singh, Priya Ranjan Singh, Advs
For the I O C : Mr Ankit Katriar, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 01-07-2019

Heard learned counsel for the petitioners as well as the respondent-Corporation.

2 Writ petition has been filed seeking direction from this Court to produce the appointment letters of respondents No 4 to 34 and quash the same. Petitioners have also prayed for a direction to consider the case of the petitioners for appointment on the post of Junior Engineer Assistant – IV (Production) Trainee and to appoint them with all consequential benefits as per result dated 14.08.2010.

3 Brief facts giving rise to the instant writ petition is that on 07.12.2009, an Advertisement was published by the respondent-Corporation inviting applications from candidates



desirous for appointment on three posts. The three posts for which the Advertisement was issued was as follows:

- (1) Junior Engineer Assistant – IV (Production) Trainee,
- (2) Junior Engineer Assistant – IV (P & U) Trainee and
- (3) Junior Engineer Assistant – IV (P & U) Trainee.

4 The two petitioners were amongst many who applied in response to the said Advertisement. The petitioners had applied for being considered for appointment against the post of Junior Engineer Assistant – IV (Production) Trainee. Written test, pursuant to the Advertisement was conducted on 08.08.2010. The number of posts advertised in the category for which the petitioners had applied was 21. The Advertisement, however, contained a clause to the effect that vacancies are likely to increase in keeping with the requirements. It is on these representations that the petitioners had submitted their applications. The process of selection was initiated and the written test being the first part of the selection process was held on 08.08.2010. It is the case of the petitioners that thereafter they had appeared in the interview conducted pursuant to the written test and that their result should be declared in light of the selection process conducted and as stated by the petitioners.

5 Additional facts, which are also admitted, are that owing to some complaints received regarding irregularities,



including impersonation in respect of the written test dated 08.08.2010, the selection process was conducted afresh and on 09.01.2011, fresh written test was taken for all the candidates seeking appointment on the post of Junior Engineer Assistant -IV (Production) Trainee including the petitioners scrapping the earlier written test. Petitioners have appeared in the fresh written test under protest. The petitioners claim that the process, which led to the written test dated 08.08.2010, was cancelled for no reason as the complaint was false and fictitious. Mr Singh also submits that applicants for the post of Junior Engineer Assistant – IV (Production) Trainee have been discriminated against. Earlier selection process for other two posts have not been scrapped.

6 The petitioners could not qualify as a result of the selection process after having participated in the fresh written test on 09.01.2011. In the circumstances, they have filed this writ petition claiming that they be granted the benefits of earlier process pursuant to the written test held on 08.08.2010.

7 Respondent-Corporation has placed on record its stand. They have submitted that to ensure fairness in the process of selection, they have acted bona fide in cancelling the earlier selection pursuant to written test dated 08.08.2010. None has gained any advantage by virtue of such cancellation as all



including the petitioners were subjected to the fresh written test on 09.11.2011 and adjudged on the same parameters. It is the specific stand of the respondents in the counter affidavit that none has been appointed who did not compete in the fresh written test which was conducted on 09.01.2011. It is nobody's case that result of any person, who had participated in the process of selection, has been declared on the basis of the earlier written test dated 08.08.2010.

8 This Court would find that the steps taken by the respondent-Corporation is in view of certain complaints regarding the earlier written test. Process as a result thereof, was found to be vitiated by High Level Committee of the Corporation after enquiring into the alleged irregularities in the process of selection earlier conducted for the post of Junior Engineer Assistant – IV (Production) Trainee, which also included allegation of impersonation etc. Respondents, thus, rightly took a decision to conduct the test afresh. The bona fide action of the respondents, therefore, does not warrant any interference.

9 Petitioners cannot claim that they should be adjudged on the basis of written test dated 08.08.2010 when the process has been scrapped prior to declaration of final result in favour of anybody, on the basis of said written test and the interview. Since, there was no complaint in respect of earlier



selection process conducted for other two posts, petitioners cannot claim parity with them. The petitioners have also not alleged any specific mala fide against any officers of the Corporation. The decisions were of the High Level Committee to ensure fairness in the process of selection.

10 Having regard to the aforesaid, this Court does not find any reason to interfere with the selection conducted by the respondent-Corporation.

11 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2019
Transmission Date	NA

