

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14268 of 2013

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Abhishek Kumar Jha, Son Of Sri Narayan Kumar Jha, Resident Of Village -
Khamgara, P.O. Jamua, P.S. - Araria, District - Araria

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Petroleum, New Delhi.
2. The Divisional Manager, Indian Oil Corporation Ltd, Barauni Refinery, P.S. -
Barauni, District – Begusarai (Bihar)
3. Md. Azaharuddin, Son Of Md. Usman, Resident Of Village - Kamaldaha, P.O.
- Kuruskata, District - Araria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Das, Adv.
For the Respondent/s : Mr. Anil Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-02-2019 Heard learned counsel for the petitioner and learned
counsel representing the Indian Oil Corporation.

The petitioner is aggrieved by Annexure-4 dated
25.01.2013 issued by the SDRSM, Begusarai, Indian Oil
Corporation Ltd. by which the petitioner has been
communicated that his request for providing an opportunity of
submitting another experience certificate and showing the marks
obtained by him during interview cannot be acceded to for the
reason that once the selection process is over, no additional
documents may be considered by the Oil Company for purpose
of giving one more opportunity to the petitioner.

The petitioner in this writ application has made only
one prayer for a direction to the respondent nos.1 and 2 for



cancellation of dealership of the retail outlet of the Oil Company granted in favour of respondent no.3. There is no challenge to the communication dated 25.01.2013 as contained in Annexure-4 to the writ application. Learned counsel submits that the communication issued by the Oil Company, as contained in Annexure-4, is not based on any good and cogent reason, hence, it should be interfered with.

On the other hand, Mr. Anil Kumar Sinha, learned counsel representing the Oil Company submits that this writ application is not fit to proceed inasmuch as the petitioner has not challenged the communication as contained in Annexure-4. Further, learned counsel points out that the petitioner is simply seeking cancellation of dealership of respondent no.3 which need not be considered at this stage in the second round of litigation as the respondent no.3 had been awarded dealership in the year 2012 itself and thereafter he is continuing with the business for last 7 years with large number of consumers and invested huge amount.

Having heard learned counsel for the parties and on perusal of the records, this Court finds force in the submission of learned counsel for the Oil Company. Petitioner has not challenged the communication as contained in Annexure-4 to



the writ application. He is simply looking for cancellation of dealership of respondent no.3, but this Court sitting in its writ jurisdiction is not willing to exercise its discretion to consider cancellation of dealership of respondent no.3 at the instance of the petitioner who had been declared ineligible in course of interview and his rejection of candidature is not under challenge in the present writ application. This is apart from the fact that the respondent no.3 has now settled down in business with large number of customers and it would not be just and proper to consider cancellation of his dealership in the present facts and circumstances of the case at the instance of the petitioner.

The writ application has no merit. It is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

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