

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13844 of 2013

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Rakesh Singh, S/O Vijay Singh @ Ranvijay Singh Resident Of Village- Barun, P.S.-
Suryapura, District- Rohtas.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry Of Petroleum And Natural Gas Govt. Of India, Shashtri Bhawan, New Delhi 110001
2. The Additional Secretary Marketing, Ministry Of Petroleum And Natural Gas, Govt. Of India, Shastri Bhawan, Govt. Of India, New Delhi- 110001
3. The Executive Director, Indian Oil Corporation Ltd., 6/9 Ali Yavar Yung Marg, Bandra East, Mumbai- 400051 India
4. The Chairman-Cum-Managing Director, Indian Oil Corporation Ltd. 6/9 Ali Yavar Yung Marg, Bandra East, Mumbai- 400051 India
5. The General Manager, Indian Oil Corporation Ltd., Bihar State Office, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Frazer Road, Patna- 800001
6. The Dy. General Manager (LPG) Indian Oil Corporation Ltd. Bihar State Office, Lok Nayak Jai Prakash Bhawan 5th Floor Dak Bunglow Chowk, Frazer Road, Patna- 800001.
7. The Chief Area Manager LPG, IOCL, Lok Nayak Jai Prakash Bhawan 5th Floor Dak Bunglow Chowk, Frazer Road, Patna 800001
8. The Sr. Area Manager, IOCL, First Floor, Shahi Bhawan, Exhibition Road Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Deo Raj, Adv.
For the Respondent/s	:	Mr. Surendra Kishor Thakur, Adv.
For the IOCL	:	Mr.Anil Kr. Sinha, Adv.
		Mr. Nikhil Kr. Agrawal, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-02-2019 Heard learned counsel for the petitioner and learned
counsel representing the respondents.

2. Petitioner in the present case is seeking quashing of
the order dated 13.06.2013 issued under the signature of
respondent no. 7 by which the petitioner has been
communicated about cancellation of his selection for issuance of
award/ letter of intent of Rajiv Gandhi Gramin Vitrak.

3. As the facts are revealed from the statements made
in the writ application as well as the counter affidavit, an



advertisement was issued in a Hindi daily Newspaper on 28.02.2011 calling for applications from suitable candidates for allotment of retail outlet dealership of L.P.G. distributorship. One of the locations was Suryapura, Barun under the District of Rohtas. The petitioner was one of the applicant in the said location, he claims to have submitted his application along with the required certificates. He was selected in the draw of lots but his selection was later on cancelled on the ground that he did not possess a valid residential certificate.

4. The petitioner though claimed that he had the required certificate of residence under the location Suryapura. The respondent authorities issued a Letter No. 418 dated 26.12.2011 informing the petitioner that the earlier residence certificate which was issued to the petitioner had been canceled by the Circle Officer, Suryapura. The petitioner had to move this Court in CWJC No. 4658 of 2012 challenging the order of cancellation on the ground of his residence but during pendency of the writ application the petitioner got a fresh residential certificate which was accepted by the authorities of the Indian Oil Corporation Ltd, therefore, he withdrew the said writ application.

5. It is further evident from the records that at the time



of filing his application the petitioner was required to declare his income of the last Financial Year, the petitioner declared the income of his family at Rs.8,10,000/- for the Financial Year 2010-11. This is the 'bone of contention' in the present writ application as according to the petitioner earlier he had disclosed the income of his family, he was required to furnish the documents in support thereof which were not submitted but later on he submitted all the required documents.

6. Learned counsel for the Indian Oil Corporation Ltd. has taken a stand that in fact the petitioner was participating in tender on 28.03.2011, he was required to furnish the details of income of the Financial Year 2009-10 on a Notorised Affidavit along with all documents in support thereof but in his Notorised Affidavit he had not submitted the income of the said Financial Year rather the income shown by him was of current Financial Year which was yet to come to an end on 31.03.2011. There was no supporting documents such as copy of return and acknowledgment showing filing thereof.

7. At this stage, once again the selection of the petitioner has been cancelled on the ground that he had submitted his annual income at Rs.8,10,000/- but could not produce any supporting document to substantiate the same



during field verification. The authorities of the Indian Oil Corporation Ltd. took another plea for cancellation of the selection of the petitioner saying that in the first Affidavit submitted by the petitioner he had disclosed his income as Rs.8,10,000/- but subsequently when he was called upon to submit the contents of his original affidavit dated 29.03.2011 on a non-judicial stamp paper he changed the declaration and submitted another Affidavit declaring the annual income of the family as Rs.4,60,000/- thereby making declaration contradictory. Yet another plea has been taken by the authorities of the Indian Oil Corporation Ltd. to support the cancellation of selection of the petitioner, saying that on advice when the petitioner submitted the proof of his income of Rs.4,60,000/-, he submitted balance sheets prepared by one Sri. Sanjay K. Jha dated 29.11.2011 which is a date after the date of application and also after the date of the Affidavits. It was again found that the petitioner had not enclosed the copy of the Income Tax return. Under these conditions his declaration at the time of submission of his application was taken as 'false' and the marks awarded under head income was deducted. Thus the total marks of the petitioner got reduced to 77 which is below the eligibility criterion.



8. On the aforesaid grounds vide Letter dated 13.06.2013 as contained in Annexure '5' to the writ application, the petitioner has been communicated about the cancellation of his selection.

9. Learned counsel for the petitioner has assailed this order mainly on the ground that once the authorities of the Indian Oil Corporation Ltd. advised the petitioner to submit the proof of income of Rs.4,60,000/- of the family members vide letter dated 04.12.2012 and then the petitioner submitted the balance sheets prepared by Sri. Sanjay K. Jha, dated 29.11.2011 the selection of the petitioner could not have been cancelled without considering those documents. Learned counsel submits that cancellation of selection is on flimsy ground.

10. On the other hand, Mr.Sinha, representing the Indian Oil Corporation Ltd. has brought to the notice of this Court the affidavit earlier submitted by the petitioner which is in fact Annexure 'R/2' to the counter affidavit. The notarised affidavit shows that the petitioner had declared his total income at Rs.8,10,000/-. Learned counsel then pointed out from the application as contained in Annexure 'R/1' of the petitioner that Clause 10 thereof shows the financial capability of the petitioner was to be declared by him. It includes Clause 10.1 under which



the petitioner was required to show his annual income of last financial year, meaning thereby the Financial Year 2009-10. Petitioner had not disclosed the income of the last Financial Year. Further, there are general instructions to the candidates available as part of Annexure 'R/1', learned counsel has shown that there is an Important Note, Paragraph 2 whereof reads as under:-

“Applicant should provide only that information in the application against various items, for which applicant is in possession of supporting documents in original as on the date of submission of application. Failure to present these documents in original at the time of verification can result in cancellation of selection.”

11. It has also been pointed out from Clause 10.1 of the general instructions that the Notorised Affidavit as per Appendix-B was required to be submitted with all the documents based on which the income is shown in the Affidavit. Learned counsel submits that Clause 10.1 clearly suggests that the affidavit should have been shown on the basis of the documents which were in existence and should have been enclosed. In the present case, not only the figure of the annual income was changed by the petitioner and thereby the substance of the Affidavit was itself changed, the documents last supplied by the petitioner were dated 29.11.2011 which was a date much after the date of the Affidavit and the applications.



12. Having heard learned counsel for the parties and on perusal of the record, this Court finds that there is much force in the submission of learned counsel representing the Indian Oil Corporation Ltd. It is apparent from the records that the petitioner submitted a Notorised Affidavit but the documents based on which the income was shown on the affidavit was not enclosed therewith. Later on the petitioner came out with different figure and at this stage he wanted to support the figures disclosed subsequently by a document prepared on 29.11.2011. This was not permissible under the terms and conditions of the general instructions to the candidates. This Court also finds that while submitting the first affidavit the petitioner had not disclosed the income of the last Financial Year i.e., 2009-10.

13. This being the position, no arbitrariness in the decision as contained in Annexure '5' to the writ application could be brought to the notice of this Court. This Court is, thus, not inclined to interfere with the impugned order.

14. This writ application is found devoid of merit and is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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