

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1484 of 2017

In

Civil Writ Jurisdiction Case No.17170 of 2013

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Vivek Singh, Son of Shri Shyam Sundar Prasad Singh, Resident of Village-
Sonbarsa Ghat, Police Station- Choutham, District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar through Collector, Khagaria, Bihar
2. The General Manager, Indian Oil Corporation, Marketing Division, Bihar State Office, Indian Oil Corporation, Loknayak Jaiprakash Bhawan (5th Floor), Dak Bunglow Chowk, Patna, Bihar.
3. The Deputy General, Manager (Vigilance), Indian Oil Corporation, L-2, Goriya Hat Road, South Dakuri, Kolkata.
4. The Senior Manager, Indian Oil Corporation, Begusarai Divisional Office, P.O.-Barauni, Oil Refinery, Begusarai, Bihar.
5. Ashish Ranjan, S/o Vijay Kumar Singh, Resident of Village + P.O.- Sonbarsha Ghat, P.S.- Chautham, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12
For the IOCL	:	Mr. Anil Kumar Jha, Sr. Advocate
		Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 09-12-2019 The present Memo of Appeal is directed against the judgment dated 04.09.2017 passed in C.W.J.C. No. 17170 of 2013 (Vivek Singh Vs. The State of Bihar & Ors), whereby the writ petition has been dismissed.

The learned Single Judge has dismissed the writ petition filed by the writ petitioner-appellant assailing the grant



of privilege i.e. license in favour of private respondent, for setting up Petrol/diesel Rural Retail Outlet (Kishan Seva Kendra) inter alia on the ground that (a) with the passage of time, the writ petition has become infructuous; (b) private respondent was otherwise eligible; and (c) the principle laid down in M/s Radha Krishna Agrawal and Ors. vs. State of Bihar & others, reported in (1977) 3 SCC 457, did not merit interference by a writ Court.

On all the counts, we find that the findings returned by the learned Single Judge to be borne out from the record and based on the complete careful appreciation of the Court. The private respondent was fulfilling the eligibility criteria as per the specification laid down in the brochure inviting application from the eligible candidates. He has the requisite land and fulfills the other eligibility criteria. As such, we find no merit in the present appeal.

It is, accordingly, dismissed.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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