

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4764 of 2018

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Anita Devi Wife of Jitendra Manjhi, Resident of Village- Line Bazar, P.S. Mirganj, District- Gopalganj.

... .. Petitioner

Versus

1. The Hindustan Petroleum Corporation Ltd. Through Its Chief Regional Manager , Patna L.P.G. Regional Officer, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna
2. Prem Nath Chanchal, Son of Sudama Prasad, resident of Village- Bedu Tola, P.S.- Mirganj, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the Respondent no. 1:	:	Mr. Dr. Pankaj, Advocate
For Res. No. 2	:	Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-03-2019 This writ application has been preferred for issuance of a writ in the nature of Certiorari to quash and cancel the selection of LPG Distributorship made in favour of respondent no. 2.

The allegation of the petitioner is that the selection of private respondent no. 2 has been made in violation of Clause 8 (A) (f) of the Brochure of Unified Guidelines for Selection of LPG Distributorship.

It is the case of the petitioner that the respondent no. 2 had made a false declaration while filling up his application with regard to his marital status and by showing himself married he claimed his candidature despite the fact that



his father namely, Shri Sudama Manjhi was already having a distributorship of LPG of Indian Oil Corporation (Indane) at location of village Amtha Bhuwan P.O.- Uchakagaon, District-Gopalganj.

In course of argument learned counsel for the petitioner submitted on the strength of the marriage card present at Annexure '9' to his rejoinder that in fact the marriage of the petitioner had taken place on 23.11.2017 much after the application was made for the distributorship. It is stated that had the marital status been correctly disclosed by the petitioner, he would have come within the family unit of his father and in such circumstance as per the guidelines of multiple dealership/distributorship norm the petitioner would not have been entitled for the distributorship.

Learned counsel representing respondent no. 1 has drawn the attention of this Court towards the statement made in paragraph '16' of the counter affidavit of respondent no. 1. It is stated that on receipt of a complaint from the petitioner against the selection of respondent no. 2, the respondent no. 2 was called upon to explain the allegations. It is stated that respondent no. 2 presented a marriage certificate bearing No. 11 of 2018 dated 12.03.2018 issued by the Marriage Officer,



Gopalganj. Thereafter, the field verification of credentials (FVC) was done by the offices of Hindustan Petroleum Corporation Ltd. and a report was submitted on 17.07.2018 in which it was found that information provided by the respondent no. 2 in his application form is correct and in accordance with the requisite “Unified Guidelines for Selection of LPG Distributorship”. The complaint of the petitioner was properly considered and then it was closed which was communicated to the petitioner through registered post on 13.08.2018. It is, thus, submitted that the respondent no. 2 has been selected by following the procedures.

Learned counsel representing the respondent no. 2 has also placed the submissions of respondent no. 2 as disclosed in the his counter affidavit. It is stated that the condition as contained in Clause 8 (A) (f) of the Brochure contained in Annexure- ‘P-1’ to the petition would not be attracted in the present case. It is submitted that the said condition is with respect to the exemption to existing SKO Dealership of some particular category. The answering respondent or his wife or his child is not a SKO Dealer and hence, the said condition is not applicable. It is further submitted that the father of the answering respondent is not in the family unit of the respondent.



It is the specific case of the respondent no. 2 that he was married on 17.06.2017 and has been recently blessed with a male child on 06.04.2018. The marriage certificate of the respondent no. 2 has been brought on record as Annexure 'R-G series' with the counter affidavit of respondent no. 1 which shows that the marriage was registered on 12.03.2018.

In course of argument when the certificate of marriage issued by the Marriage Officer, Gopalganj was placed before this Court with a submission that in fact the marriage of respondent no. 2 was a love marriage which was only made public at a belated stage and brother of the respondent no. 2 had organized a function giving different date of marriage, learned counsel for the petitioner could not controvert the marriage certificate and on the face of it learned counsel submits that he is unable to take any plea.

Having heard learned counsel for the parties and on perusal of the record what has transpired is that respondent no. 2 has set up a case that he had solemnized his marriage in April, 2017 itself and the same was got registered on 12.03.2018. He has also been blessed with a male child on 06.04.2018. In support of this he has produced the certificate of a lady doctor in whose clinic the wife of respondent no. 2 has



given birth to a male child. Thus, on the materials available on record, this Court sitting under Article 226 of the Constitution of India cannot conclude or record a finding of fact that on the date of filling up of the application form for LPG Distributorship the respondent no. 2 was not married as has been sought to be canvassed on behalf of the petitioner. Such a finding may be recorded only by a competent civil court.

This writ application has no merit. It is dismissed accordingly but with a liberty to the petitioner to seek her remedy, if any available to her, in accordance with law.

(Rajeev Ranjan Prasad, J)

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