

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12219 of 2019

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1. Ashutosh Kumar Son of Ashok Kumar, Resident of Village- Jahana, P.S. Bind, District- Nalanda, Bihar.
 2. Manishankar Kumar, Son of Radheshyam Prasad Resident of Village- Dharampur, P.S. Nursarai, District- Nalanda.
 3. Archana Sinha, Wife of Satish Kumar, Resident of Village- Mustafapur, P.S. Rahui, District- Nalanda.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Limited a Public Sector Company, Having its registered Office at Indian Oil Bhawan, 9 Ali Yavar Jung Marg, Bandra, (East), Mumbai- 400051-Having its Officer at Shahi Bhawan, Ist Floor, Exhibition Road, Patna, through its Chairman Cum Managing Director.
2. The General Manager, Indian Oil Corporation Limited, Bihar State Office, Marketing Division,, Eastern Region, LoknayakBhawan, DakBunglow Road, P.S. Kotwali, Distt. Patna.
3. The Senior Divisional Retail Sales Manager, Indian Oil Corporation Limited, Bihar State Office, LoknayakBhawan, Frazer Road, Patna.
4. The Chief Divisional Retail Sales Manager, Patna Divisional Office, Indian Oil Corporation Ltd. Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms.Anukriti Jaipuriyar
For the Respondent/s	:	Mr. A.K. Jha, Sr.Adv.
		Mr.Sanat Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-07-2019 Petitioners, in the present case, are aggrieved by and dissatisfied with the communication as contained in e-mail dated 24th May, 2019 issued by the Patna Divisional Office, Patna of Indian Oil Corporation Limited whereby the petitioners have been informed that their application for grant of retail outlet dealership of petrol pump of Indian Oil Corporation Limited has been rejected.



Learned counsel for the petitioners submits that the impugned order of rejection as contained in the e-mail does not provide a speaking reason, however what has transpired from the facts reveal is that in course of filling up the online application one of the partners of the firm namely Manishankar Kumar had incorrectly provided his PAN as HDMPK9133H instead of HDMPK9833H. Because of this error which occurred in the submission of the online application with regard to the PAN card the petitioners have been communicated about the rejection of their selection.

Ms. Anukriti Jaipuriyar, learned counsel representing the petitioners also gives much emphasis on her argument that the mistake committed by the petitioners are only inadvertent and purely bonafide in nature, therefore in terms of the Brochure the petitioners should have been given one opportunity to correct the mistake. She has relied upon Clause 4 and 14 E (ix) of the Brochure whereunder in case of error 21 days period may be allowed to rectify the defect. It is her contention that the same has not been followed in the present case.

On the other hand, learned counsel representing the respondent-corporation submits that the mistake with regard to



PAN of one of the partners of the firm would not come within the rectifiable deficiency. It is submitted with reference to the statements made in paragraph 9 of the counter affidavit that the importance of PAN in the registration process has assumed much importance inasmuch as the applicant's PAN card is the sole basis for registration. Explaining the mechanism, learned counsel for the Corporation has submitted that if an applicant has got himself registered by using his/her PAN card then that PAN (Permanent Account Number) can no longer further be used for any other registration for dealership, therefore if any incorrect number of the PAN is entered while registering for submitting the online application, then the actual person to whom that particular PAN number actually belongs to which has been entered becomes debarred from applying for himself because his PAN had already been used for registration by someone else. It is submitted that even if it is an inadvertent mistake, it is not rectifiable mistake. In this regard, a clarification has also been issued though belatedly but still the importance and mechanism of the PAN has been highlighted.

Having heard learned counsel for the petitioners and learned counsel representing the Corporation and upon perusal of the records, this Court finds that in the application form itself



it is clearly made known to the applicants that any mistake with regard to the information furnished in the application may lead to cancellation of their candidature. The applicant has in fact given an undertaking in the application form itself in paragraph 15 which reads as under:-

“15(a). I am aware that eligibility for Retail Outlet Dealership will be decided based on the information given in the application above. On verification by the Oil Company if it is found that the information given by me is incorrect/false/misrepresented then my candidature will stand cancelled and I will be declared ineligible for the Retail Outlet Dealership.”

It is further evident that while issuing clarifications on 14.03.2019 in response to the certain questions when a question was raised to the Indian Oil Company with regard to incorrect mentioning of PAN, the Oil Company replied the same in the following terms:-

“Q 17. PAN mentioned incorrectly in the application, but the application is meeting all other criteria. What is to be done?

A 17. All cases of PAN mismatch/incorrect PAN/PAN not belonging to the applicant is to be summarily rejected. PAN is a mandatory field required for registration of applicant in the on-line application portal and candidate is expected to fill correct PAN details. It is also to be noted that if an applicant registers using PAN of another person, the other person automatically gets barred from registering in the portal.”



In the aforementioned background when Note no.4 under clause (VIII) at internal page 16 of the rejoinder of the petitioner is taken note of it would appear that 21 days time may be provided to a selected candidate only to remove the rectifiable deficiency. The relevant paragraph of Brochure is quoted hereunder:-

“4. The selected candidate would be given opportunity to provide the rectified/corrected documents under rectifiable deficiency within 21 days’ time. If the selected candidate fails to provide the required corrected/rectified certificates/documents, within 21 days, his/her candidature would be rejected under intimation through SMS/e-mail.”

In the aforementioned background, this Court is of the considered opinion that there is no arbitrariness on the part of the Indian Oil Company in rejecting the candidature of the petitioners. No interference under Article 226 of the Constitution of India is required. This writ application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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