

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16461 of 2016

Sanjay Kumar Singh, son of Ram Naresh Singh, resident of Village- Ahpura,
P.O.- Sandesh, P.S.- Sandesh, Dist- Bhojpur.

... .. Petitioner/s

Versus

1. The Chief Area Manager, Indian Oil Corporation Limited, Shahi Bhawan,
First Floor, Exhibition Road, Patna
2. Deputy Manager, Indian Oil Corporation Ltd., Patna.
3. Subodh Kumar Singh, son of Late Mahendra Pd Singh, resident of Village-
Ahpura, P.O.- Sandesh, P.S.- Sandesh, Dist- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Hriday Prasad, Advocate
For the Respondent/s	:	Mr. Siddhartha Prasad, Advocate
		Mr. Ranjan Kumar, Advocate
		Mr. Om Prakash Kumar, Advocate
For the IOC	:	Mr. Sanat Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 19-02-2020 Heard the learned counsel for the parties.

The petitioner who was one of the applicants for being selected as an outlet dealer of the respondent/Indian Oil Corporation under the Rajeev Gandhi LPG Distribution Scheme is aggrieved by the decision of the Corporation in allotting the outlet to private respondent No. 3/Subodh Kumar Singh.

The grievance of the petitioner is that the land which was offered by private respondent No. 3 was not



in accordance with the specifications given in the advertisement inviting such application.

It is the case of the petitioner that pursuant to the advertisement in that regard, only two candidates remained in the fray viz. the petitioner and the private respondent No. 3, who were chosen in the draw of lots.

From the records, it appears that in the field verification made by the Committee of the respondent/Corporation, the land offered by private respondent No. 3 was not found up to the specifications in the advertisement and therefore in accordance with the guidelines for allotting distributorship of the Corporation, an offer was given to private respondent No. 3 to offer another land which would be within the specification of the advertisement.

Pursuant to the aforesaid direction, private respondent No. 3 appears to have offered a land which was in joint possession of the private respondent No. 3 and another. The Field Verification Committee found the



land to be suitable and in accordance with the specifications provided in the advertisement.

The learned counsel for the petitioner however submits that if in the first instance, the land offered by the private respondent No. 3 was not found to be suitable and measurable up to the specifications provided in the advertisement, no opportunity ought to have been given to private respondent No. 3 and the petitioner who was the second person should have been given the dealership.

The aforesaid submission has been advanced on the strength of a Clause in the advertisement which specifies that in the event of any information offered by a candidate being found to be incorrect, the candidature would be cancelled and the allotment would be given to the person next in line.

While making this submission, Mr. Ram Hriday Prasad, learned advocate perhaps did not refer to the relevant provision in the guidelines which permit of



granting of one opportunity to such selected candidate for offering another land before the last/cut-off date.

It is only in accordance with the aforesaid guidelines of the Corporation that another land was offered by private respondent No. 3, which was found to be suitable.

There is yet another aspect to this case. The private respondent No. 3 has been running the outlet for the last two years.

The petition therefore lacks merits and is not worth entertaining. Perforce, it is dismissed.

(Ashutosh Kumar, J)

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