

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10495 of 2020

Ram Bahadur Ram, S/o Navrang Ram R/o Village- Bhadari, P.O.- Baradhi,
P.S.- Bhabua, District- Kaimur.

... .. Petitioner/s

Versus

1. Bharat Petroleum Corporation Limited, represented through Managing Director and Chairman, having its registered office at Bharat Bhavan, 4 and 6 Currimbhay Road, Ballard Estate, Mumbai-400001
2. The Head (Retail) East, Bharat Petroleum Corporation Ltd., Bharat Bhawan, Plot No. 31, Prince Gulam Md. Shah Road, Golf Green, Kolkata, West Bengal
3. The Chief Manager Business and Network Planning (Retail) Bihar Bharat Petroleum Corporation Ltd., Third Floor, Ashiana Chambers, Exhibition Road, Patna, Bihar-800001
4. The State Head Retail Bihar, Bharat Petroleum Corporation Ltd., Third Floor, Ashiana Chambers, Exhibition Road, Patna, Bihar-800001
5. The Territory Manager (Retail), Bharat Petroleum Corporation Limited, having its Office at Locality- Anishabad, Post- Pakari, P.s.- Anishabad, District- Patna
6. The Assistant Manager Sales (Retail) Bharat Petroleum Corporation Limited, having its Office at Locality- Anishabad, Post- Pakari, P.s.- Anishabad, District- Patna
7. Teh Area Sales Officer (Retail), Patna Bharat Petroleum Corporation Limited, having its Office at Locality- Anishabad, Post- Pakari, P.s.- Anishabad, District- Patna
8. Ayodhya Kumar Son of Shri Awadhesh Prasad resident of Karma Road, Jai Prakash Nagar, Behind Electricity Officer, Post and P.s.- Aurangabad, Distt.- Aurangabad



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Gupta, Advocate
For the Respondent/s : Mr. Siddharth Prasad, Advocate
Mr. Om Prakash Kumar, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

Date : 16-11-2021

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:

(i). For issuance of appropriate Writ/Writs, direction/directions in the nature of Mandamus directing the respondent authorities to reject the selection of Respondent no. 8 under Group-1 as he has been declared as successful in the draw of lots which was conducted for Retail Outlet Dealership amongst group 1 candidates for the location " Within 3 kms from Bhabua Bus stop on Bhabua- Champur Bypass , District – Kaimur, under the Scheduled Caste Category herein after referred to as SC Category)" but the land offered by him for retail outlet prior to his application was leased / rented in favour of one Dilip Shaw for a period of ten years and as such the offered land do not fulfill the eligibility criteria as laid down in the Guidelines for consideration under Group 1.

(ii) For prayer that the respondent authorities be restrained and prevented from appointing their favourite and vested candidate as a dealer for the aforesaid location in place of the petitioner, which tantamounting would amount to complete defiance and violation of the rules and procedures of the guidelines and also principle of natural justice.

(iii). For directing the Corporation to redress the Grievance of the Petitioner which he has lodged before the Respondent authorities vide complaint dated 17.08.2019 as per Grievance Redressal System as contained in clause- 17 Of the applicable Brochure for selection.

(iv). For any other relief / reliefs which the Hon'ble Court may grant in the interest of the petitioner that may be deemed appropriate and necessary in this case. .

It is submitted on behalf of the petitioner that against
the selection of private respondent no. 8 for allotment of retail



outlet by the BPCL in Bhabua, District Kaimur, he has filed a complaint before the respondent no. 5, vide Annexure-4 and Annexure-6, on the ground that respondent no. 8 does not fulfill all the criteria of eligibility for allotment of retail outlet and he has received correspondences with respect to his complaint and authorities demanded supporting documents and in pursuance thereof he submitted the relevant supporting documents to be considered by the competent authority but no action was being taken, as such, present writ petition was filed for a direction to the respondent authorities to decide his complaint at the earliest.

It is submitted by learned counsel for the petitioner that during the pendency of the writ petition, private respondent no. 8 has died, as such he is the next candidate eligible for retail outlet.

It is submitted by Mr. Siddhartha Prasad, learned counsel for the BPCL that the matter is under consideration of the Corporation and appropriate decision will be taken at the earliest.

Statement accepted and taken on record.

The writ petition stands disposed of with a direction to the respondent authorities for taking appropriate decision with respect to allotment of retail outlet in question at



the earliest preferably within two months from the date of receipt/production of a copy of this order.

It is made clear that this Court has not expressed any opinion with respect to claim of the petitioner and same is to be decided by the respondent authorities in accordance with law.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	22.11.2021
Transmission Date	

