

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15421 of 2021

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Illa Das Gupta, Demal W/o Soumik Ghose At present resides at C/o Sri Janki Prasad Ghosh resident of Village - Kanjia, P.O. and P.S. Angar Hat, District- Purnea (Adhar and Pre marriage address - Temple Street, Jalpaiguri, Ward No. 07, Jalpaiguri, West Bengal.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited, through its General Manager having its corporate office at G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai.
2. General Manager, Bihar State Office, Indian Oil Corporation Limited G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai.
3. General Manager cum State in - Charge, I.O.C.L Bihar State Office, 6th Floor, Lok Nayak Jaiprakash Bhawan, Dak Bungalow Chowk, Patna.
4. Deputy General Manager, I.O.C.L., Lok Nayak Jaiprakash Bhawan Dak Bungalow Chowk, Patna.
5. Divisional Manager, Begusarai Divisional Office, Indane Area Office, Begusarai.
6. Raju Yadav Son of Jag Lal Yadav Resident of Village Angadh, P.S. - Angadh, Dist- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Neeraj Kumar Singh, Advocate
For the Respondent/s : Mr.Sanat Kumar Mishra, Advocate

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

Date : 17-08-2022

The petitioner has prayed for the following relief/s :-

- A. For setting aside the outcome of draw of lot held on 21.01.2020 due to mandatory procedural lapses and through which, Respondents especially Respondent No. - 5 had favored his blue eyed applicant and held 2nd draw of draw lots without giving any kind of



information to the Petitioner against petroleum outlet, Rural for the location "within 1 km from Angar Thana towards Kisangang, RHS, Block Baisa" (at serial 107), District – Purnea on without any rhyme and reason.

- B. For that to quash the contents of letter no. BSO/RO/ 2021/BDO_ 1402 dated 28.07.2021 through which Respondents had declared her representation unsustainable and concluded the complaint without going in totality of grievance specially as to why they had not informed the petitioner for conduction of 2nd draw dated - 21.01.2020 and further decided to proceed with Respondent No. - 6.
- C. For direction to Respondents, especially respondent No. - 1 & 6, to consider the representation filed by the petitioner dated - 31.01.2021 and 22.04.2021, in totality, positively and without pre-judice mind; on the ground that Respondents had not bothered to consider and replied against her grievance mentioned into representation that as to why information or message regarding holding 2nd draw was not given or served upon her by any means of communication; while only three applicant were eligible for draw.
- D. For that, even on 2nd grievance being raised by the Petitioner, respondent had not bothered to answer or clarify that why they had not communicated to the petitioner regarding holding draw of lot on 21.01.2021 and rejected her representation without considering her objection.
- E. For that with mala-fide intention Respondents had not follower their own rules and regulations. Despite of this fact that it is repeatedly mentioned in Respondent's Application Form as well as brochure and advertisement too that communication shall be made obligatorily through SMS /email/ mobile. But Respondent intentionally ignored to communicate petitioner with intention to provide favor to their desired person.



- F. For that on the date of submission of application form and on the date of draw of lots 1st July 2019, Respondent No. 6 was facing a criminal trial and he had not disclosed this fact in his affidavit or anywhere. He was discharged on 18.12.2019 which is subsequent to the date of submission of application and also 1st draw. By this way he had concealed this fact.
- G. For issuance of writ in the nature of Mandamus commanding upon the respondent Authorities for not proceed or take any further step regarding this dealership and also not given any opportunity to any other applicant against that location during the pendency of present Petition before this Hon'ble Court.
- H. For direction to adopt transparent, practical and fair approach as Respondent had intentionally overlooked the mandatory provision of communication with pre- dedicated mind.
- I. For issuance of such other appropriate order or direction which may deem fit and proper in the fact and circumstances of the present case.

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law as also represent to the appropriate authority, venting out the grievances, subject-matter of the present petition.

Prayer allowed. Liberty, as prayed for, is granted.



Without expressing any opinion on merits, leaving all questions of fact and law open, the present petition is disposed of as withdrawn with the liberty aforesaid.

We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	18.08.2022
Transmission Date	

