

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13810 of 2019

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Savita Sinha, W/o Manikant Sinha, Resident of Shivgadh, Datiyana P.S.-
Bikram, District- Patna.

... .. Petitioner

Versus

1. The Indian Oil Corporation through its Chairman.
2. The Head of Divisional Office, Indian Oil Corporation Patna Divisional Office 3A, Mauryalok Complex, 3rd Floor, Bailey Road, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Prashant Sinha, Advocate
		Mr. Rohan Verma, Advocate
For the Respondents-I.O.C.:		Mr. Piyush Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and

HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 25-07-2022

Heard Mr. Prashant Sinha, learned counsel for the petitioner and Mr. Piyush Kumar Singh, learned counsel for the respondent-Indian Oil Corporation.

2. In the present application, the petitioner has made the following prayers:-

(i) For issuance of writ in the nature of certiorari for quashing of the communication made through E-mail dated 16.05.2019 sent by the Head of Divisional Office, Patna, Divisional Office of Indian Oil Corporation whereby the candidature of the petitioner for allotment of retail outlet dealership has been rejected.



(ii) For necessary direction upon the respondent authorities to allot the retail outlet dealership to the petitioner in terms of her application form no.15456547804201, within 3 km from intersection of SH-2 and NH-98 at Bikram towards Mahabalipur on NH-98 in district of Patna as the petitioner has fulfilled all the requirements for being awarded for retail outlet dealership but for the non-est reason, the respondent authorities have rejected the candidature of the petitioner.

(iii) For restraining the respondent from allotting the retail outlet to anybody else during the pendency of this writ application.

(iv) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.

3. In brief, the case of the petitioner is that the respondent-Indian Oil Corporation had issued an online advertisement on 25th November, 2018 for appointment of Retail Outlet Dealership in the State of Bihar. The closing date of application was 24th December, 2019. One of the locations for the dealership was in the district of Patna within 3 km from intersection of SH-2 and NH-98 at Bikram towards Mahabalipur on NH-98. Subsequently, on 16.05.2019, the petitioner received an e-mail whereby she was communicated that her application for retail Outlet Dealership has been rejected on the basis of



document submitted by her.

4. Being aggrieved by the aforesaid communication dated 16.05.2019, the petitioner has filed the present application.

5. Mr. Prashant Sinha, learned counsel for the petitioner submitted that the communication made by the respondent-Indian Oil Corporation is bad due to the reason that it is a non-speaking order. He submitted that on inquiry, the petitioner was communicated that there is an error in writing the PAN number in the application form of her candidature. He submitted that on verification, the petitioner found that she had written 'T' instead of 'P' while writing her PAN Number and due to this inadvertent typographical error, the respondents have arbitrarily rejected the application of the petitioner.

6. A counter affidavit has been filed on behalf of the respondent-Indian Oil Corporation wherein it is stated that the application of the petitioner under the open category was rejected through the impugned e-mail dated 16.05.2019 on the ground of PAN mismatch (mismatch in PAN vis-a-vis entry of PAN in the application), which is mandatory parameter for filling the application.

7. Learned counsel for the Indian Oil Corporation has



submitted that in para 15 of the application submitted by the petitioner, she has herself undertaken that if any information is found incorrect or false or misrepresented, her candidature would stand cancelled and she would be declared ineligible for the Retail Outlet Dealership. He submitted that the decision of the Indian Oil Corporation is in consonance with the terms and conditions of the advertisement.

8. We have heard learned counsel for the parties and carefully perused the materials available on record.

9. It is indisputable that the petitioner had given a wrong PAN Number in her application for allotment of the retail outlet. The Indian Oil Corporation has assigned the reason for rejection of the application of the petitioner as PAN mismatch.

10. Para 15(a) of the application form submitted by the petitioner contains the undertaking given by her, 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”.

11. In **M/s. Indian Oil Corporation Limited v. Raj Kumar Jha & Ors.** since reported in **2012(2) PLJR 783**, a Division Bench of this Court held that the Corporation being the State is supposed to act fairly, reasonably and uniformly and has to be objective in its approach. Once the standard is set out in the advertisement, the Corporation has to adhere to the said standard without any variation. In case, the Corporation allows any alteration the same will amount to subjective approach which is frowned upon by the Courts time and again. To remain objective the Corporation is required to adhere to the standards mentioned in the advertisement.

12. The Division Bench further held that since the application made by the writ petitioner was not in conformation with the requirements mentioned in the advertisement, the Corporation was justified in rejecting the application of the petitioner.

13. Apparently, the petitioner being fully aware of the fact that if an information given by her is incorrect/false/misrepresented, then her candidature would stand cancelled. She made a wrong entry in her application submitted to the respondent-Indian Oil Corporation.



14. We are in complete agreement with the views expressed by the Division Bench of this court in Indian Oil Corporation vs. Raj Kumar Jha (supra).

15. The petitioner's candidature has been rejected on the ground of PAN mismatch in the application form submitted by her during verification of documents by the respondent-Indian Oil Corporation.

16. We see no error in the action of the respondent-Indian Oil Corporation whereby they have rejected the application of the petitioner as it was not in conformity with the requirements of the advertisement.

17. Accordingly, the writ application is dismissed.

(Ashwani Kumar Singh, J.)

(Shailendra Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03-08-2022
Transmission Date	NA

