

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17864 of 2021

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Vijay Kant Choudhary S/o Babu Kant Choudhary R/o Village and P.O.- Hirni,
P.S.- Kusheshwar Asthan, District- Darbhanga- 848213.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Limited through its Managing Director having registered office at G-9, Aliyaware Jang Marg, Bandra (Mumbai)- 400001.
2. Managing Director, Indian Oil Corporation Limited, Office at G-9, Aliyaware Jang Marg, Bandra (Mumbai)- 400001.
3. General Manager, Indian Oil Corporation Limited, 3-A, Maurya Lok Complex, Dak Bungalow Road, Patna- 800001.
4. Sr. Divisional Retail Sales Manager, Indian Oil Corporation Limited, Divisional Office, Muzaffarpur, Krishna Complex, Akharaghat Road, Muzaffarpur- 842001.
5. Sr. Divisional Retail Sales Head, Indian Oil Corporation Limited, Divisional Office, Muzaffarpur, Krishna Complex, Akharaghat Road, Muzaffarpur- 842001.
6. Nawal Kumar S/o Late Ram Sewak Sah R/o Village- Kusheshwar Asthan, P.S.- Kusheshwar Asthan, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur, Adv
For the Respondent/s : Mr.Ankit Katriar, Adv

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

Date : 29-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For quashing the letter dated 14.08.2021 issued by the Sr. Divisional Retail Sales Head of the Indian Oil Corporation Limited, Divisional Office, Muzaffarpur whereby the candidature of the petitioner for retail outlet dealership at the location Satighat to Kusheshwar Asthan on State Highway-56 in the district of Darbhanga under open category was rejected on the ground that his offered plot of land did not meet the eligibility criteria of minimum dimension as on the date of application in pursuance of the advertisement dated 26.10.2014 published in the daily Hindi newspaper, Hindustan.
- (ii) For setting aside the selection of private respondent 6 and issuance of Letter of Intent in his favour with respect to the retail outlet dealership for the location Satighat to Kusheshwar Asthan on the State Highway-56 in the district of Darbhanga under open category in pursuance of the advertisement dated 26.10.2014 published in the daily Hindi newspaper, Hindustan after calling for the same from the custody of respondent Corporation as the same is not available with the petitioner.

That a writ of Mandamus be issued:-

- (iii) For direction to the Sr. Divisional Retail Sales Head of the Indian Oil Corporation Limited, Divisional Office, Muzaffarpur to allot the retail outlet dealership of the location Satighat to Kusheshwar Asthan on State Highway-56 in the district of Darbhanga under open category to the petitioner as he was shortlisted at the 1st position in the selection process in pursuance of the advertisement dated 26.10.2014 published in the daily Hindi newspaper, Hindustan.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioners;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.06.2022
Transmission Date	NA