

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22269 of 2019

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Vankatesh Kumar, Son of Ram Ballabh Prasad Singh, Resident of Mohalla-Khas Mahal, Road No. 04, Chiraiya Tand, P.O.-G.P.O., P.S.-Jakkanpur, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The Hindustan Petroleum Corporation Limited, a Government of India Enterprise, Registered office at 17 Jamshed Ji Tata Road, Mumbai-4000220, through its Chairman and Managing Director.
2. The Chairman and Managing Director, Hindustan Petroleum Corporation Limited, a Government of India Enterprise, Registered office at 17 Jamshed Ji Tata Road, Mumbai-4000220.
3. The Head of the Regional Office, Retail Regional Office, Hindustan Petroleum Corporation Limited, Patna, PO Box No. 40, Lok Nayak Bhawan, 6th Floor, Dak Bunglow Chowk, Bunglow Road, Patna, Bihar-800001.
4. The Deputy General Manager, Hindustan Petroleum Corporation Limited, Patna, PO Box No. 40, Lok Nayak Bhawan, 6th Floor, Dak Bunglow Chowk, Bunglow Road, Patna, Bihar-800001.
5. The Land Evaluation Committee, through the Retail Regional Office, Hindustan Petroleum Corporation Limited, Patna, Regional Office, Post Box Box No. 40, Lok Nayak Bhawan, 6th Floor, Dak Bunglow Crossing, Dak Bunglow Road, Patna, Bihar-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suresh Pd Singh No.1, Advocate
For the Respondent/s : Mr.Neeraj Kumar Gupta, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

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



- i. For quashing the order contained in the letter dated 15.03.2019 issued by the respondent No.3, by which he has erroneously kept the petitioner in Group-3 instead of Group-1, just to accommodate someone else as initially the respondents have declared the petitioner qualified in Group-1, and asked to deposit initial security amount of Rs. 50,000/-, thereafter without assigning any specific reason have rejected claim under Group-1, and maliciously kept the petitioner in Group - 3 in connection with retail outlet dealership under open category at between Km stone 214 to 223 on LHS of NH 30 towards Bakhtiyarpur, in the district of, pursuant to advertisement dated 25/11/2018.
- ii. For declaring the order contained in letter dated 16.09.2019, whereby in pure illegal the respondent GM, of HPCL, Patna has rejected the objection cum representation of the petitioner dt.13.08.2019, and has affirmed the impugned order dated 15.03.2019, and in this order also he did not assign any specific reason sve and except referring clause 4.5.3 of the Guidelines of the NHAI, and did not speak a single word as what was the report of the Land Evaluation committee, thus it is evident that to accommodate some on else the drama of



evident that to accommodate some on else the drama of selection under open category is played, which is nonest as issuance of LOI and appointment of retailer is also a kind of source of employment in which there is no room for nepotism, thus the impugned order dated 15.3.2019 quashed and order communicated through letter dated 16.09.2019 may be declared illegal and nonest in the eye of law.

- iii. For declaring entire action of respondents to be influenced with malafide as initially they declared the petitioner as successful under Group -1, and directed to remit the initial security amount Rs. 50,000/- and after being credited in the A/c of the respondents, all of sudden the respondent concerned has disqualified the petitioner in Group-1 and kept him under Group-3 maliciously, despite the fact overlooking that the petitioner is possessing the required site/land prior to the date of submission of the application which brings his claim under Group-1, thus there is no reason to put him under category-3 subsequently after declaring him qualified in Group -1, and the impugned order smells about extraneous reasons as while shifting the group



from Group -1 to Group-3, no specific reason has been assigned save & except saying that the land evaluation committee visited his site, his site is not meeting out the required norms, but what norm is not suited, the same is not assigned, hence in any case the impugned cannot sustain, consequently, may be quashed.

- iv. For issuance of a writ in the mandamus directing the respondents to consider application of the petitioner under category -1, and further the respondents may be restrained from issuing LOI to any third party till disposal of the case.
- v. For granting any relief /s of which the petitioner may entitled for.

Learned counsel for the respondent states that the retail outlet already stands allotted in favour of third party and is fully functional and operational.

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to file a fresh petition, on the same and subsequent cause of action, placing on record better particulars and materials.

Permission granted with liberty as prayed for.

As and when any such petition is filed, the same shall be listed on priority basis.



Instant petition stands disposed of as withdrawn in
the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2022
Transmission Date	

