

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16578 of 2013

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Lalbabu Yadav, Son of Sri Etwar Yadav, Resident of Mohalla - Anand Bagh
Karpi, P.O. and P.S. Karpi, District - Arwal

... .. Petitioner/s

Versus

1. The Hindustan Petroleum Corporation Limited through the Chief Manager, Jamshed Jee Tata Road, Mumbai-400020.
2. The Chief Manager, Hindustan Petroleum Corporation Limited, Jamshed Jee Tata Road, Mumbai - 400020
3. The Senior Regional Manager (Retail) Lok Nayak Bhawan 6th Floor, Post Box No.40, Dak Banglow Chowk, Patna-800001.
4. Manoranjan Sharma, Son of Nand Kishore Sharma, Resident of Village and P.O.- Narga, P.S.- Karpi, District - Arwal

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Rajeev Prakash, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 14-03-2023

The petitioner, by way of present writ petition, has
prayed for as under:-

*“1. That this is an application for
issuance of a writ of certiorari for quashing of
the order/letter bearing Reference No.
PTRO/COM/AB/018 dated 04.04.2013
(Annexure-7) by which the objection filed by the
petitioner against the declaration of Respondent
No.4 as entitle for Retail Outlet Dealership of
H.P.C.L. for Makmilpur Karpi, Jehanabad
Road, District-Arwal has been rejected by
Respondent No.3 without follow any rules and*



norms of law and further for quashing the offer letter if issued in favour of the Respondent No.4 and also for issuance of writ of mandamus for directing the respondent to settle the Retail Outlet Dealership in favour of the petitioner.”

2. The petitioner, in pursuance to the advertisement published in the daily newspaper ‘Hindustan/Hindustan Times’ dated 22.09.2011, issued by the Respondent Hindustan Petroleum Corporation Limited, applied for Retail Outlet Dealership of petrol pump for the site mentioned in the advertisement at serial no. 137, namely Makmilpur Karpi Jehanabad Road at Arwal District.

3. It is the submission that as per the advertisement, the petitioner had sufficient land for the purpose of Retail Outlet Dealership and his land was also examined, however, respondent Hindustan Petroleum Corporation Limited did not consider this site and the petitioner was awarded zero marks by the inspection committee as well as in the interview. Upon submission of the objections, the respondents informed that the site, as published in the advertisement dated 22.09.2011, was corrected by issuing a corrigendum which was published in the daily newspaper namely ‘Times of India’, mentioning the site to be read as Makmilpur village on Karpi Jehanabad Road. The



petitioner had no knowledge about the said corrigendum since the same was published in the daily newspaper of Patna edition and the same was not circulated in Arwal District.

4. It is further submitted that the respondents could not have changed the site during pendency of advertisement after having accepted the application forms and also the allotment of the petroleum dealership has been made wrongfully to a person, who is a Panchayat Teacher.

5. Learned counsel for the respondents submits that admittedly, the petitioner does not possess any land in the village Makhmilpur and his land is situated in village Karpi, therefore, the petitioner could not be considered for the purpose of awarding the Retail Outlet Dealership and he was awarded zero mark.

6. This Court has considered the submissions made on behalf of the parties. So far as the petitioner is concerned, admittedly he does not possess the land at village Makmilpur on Karpi Jehanabad Road. The respondents, who have issued the advertisement, always have a right to make corrections or modification in their advertisement and may abide by such corrigendum provided the same is duly published.

7. Admittedly the original advertisement was for



various places in Bihar and the same was published in the daily newspaper namely ‘Hindustan/Hindustan Times’. Subsequently, some correction/modification has been made in the advertisement by issuance of a corrigendum, which was published in the daily newspaper namely ‘Times of India’, though, it is a question of fact whether the same was circulated in Arwal District or not?

8. Be that as it may, no right is created in favour of the petitioner nor can it be said that it has been taken away on account of issuance of the corrigendum. Since the petitioner does not possess the land at Makhmilpur village, the other issues raised by the learned counsel for the petitioner would be wholly academic.

9. In view thereof, the claim of the petitioner is found to be unsustainable. The present writ petition is devoid of merit and accordingly, the same is dismissed.

(Sanjeev Prakash Sharma, J)

Amrendra/-
Item No. 4

AFR/NAFR	
CAV DATE	
Uploading Date	20.03.2023
Transmission Date	

