

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20798 of 2013

Dr. Sajid Mushtaque Son Of Late Mushtaque Ahmed Resident Of Village -
Katasa, P.O. Kathalia, P.S. Singhwara, District - Darbhanga

... .. Petitioner/s

Versus

1. M/s Indian Oil Corporation Ltd. and Ors
2. The General Manager, Indian Oil Corporation Ltd. G - 9 Ali Yavar Jang Marg, Bandra East , Mumbai
3. Indian Oil Corporation Ltd., Bihar State Unit Through Its General Manager 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Banglow Chowk, Patna - 800001
4. The General Manager Indian Oil Corporation Ltd., Marketing Division Bihar State Office 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Banglow Chowk, Patna - 800001
5. The Area Manager Indian Oil Corporation Ltd., Marketing Division Bihar State Office First Floor, Shahi Bhawan, Exhibition Road, Patna - 800001
6. Md. Shakeel Ahmad Son Of Late Md. Isha Ahmad Resident Of Village - Katasa, P.O. Kathalia, P.S. Singhwara, District - Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar
For the Respondent/s : Mr.Sanat Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL JUDGMENT

Date : 27-06-2023

1. Learned counsel appearing on behalf of the I.O.C. states that the location has already been commissioned in 2013 itself by respondent no. 11. The order of issuing L.O.I. has not been challenged by the petitioner and the writ petition has



been rendered infructuous.

2. The petitioner by way of this writ petition has prayed as under:

“1. That this is an application for issuance of an appropriate writ, order or direction for quashing latter dated 04-07-2013 (Annexure-14) issued by the respondent authorities whereby application/complaint dated 30-07-2012 filed by the petitioner has been rejected without giving him an opportunity of being heard and candidature of petitioner has also been rejected for the award of Kisan Sewa Kendra (KSK) of Indian Oil Corporation Limited at within 1 KM from Katasa Govt/ Middle School towards aJale on LHS of Singware- Jale Road District- Darbhanga under open category by giving alien, improper, unjustifiable reason and flimsy ground that the petitioner is not having fixed and movable assets as per prevailing policy and that too without giving him an opportunity of being heard.

[B] For issuance of an appropriate writ, order or direction commanding the respondent to re-evaluate the Final Marks sheet prepared by the respondent authorities prepared and signed on 25-07-2012 whereby petitioner was given 0



Marks under the "Fixed and Movable Assets" category without considering the documents already annexed with the application form.

[C] For issuance of an appropriate writ order or direction restraining the respondents not to implement Letter of Intent issued in favour of the respondent no-6 by the respondents authorities."

3. It appears that the petitioner is aggrieved of granting of more marks in the selection to the Respondent No. 10. The mode of allotment of dealership is based on a selection process. It is not a case where the selection process was not followed by the respondents.

4. However, this Court will not interfere in the question with regard to the marks which have been individually allotted under different categories to individual applicants. The action is within the domain of the concerned selecting body. The appeal also lies against the said order before the concerned committee formed by the Corporation, whereafter this Court could have no reason to examine the marks which have been granted. It is settled principle that the Court could, under judicial review, only examine the decision making process and not the decision itself.



5 As such, the present writ petition is devoid of merit and the same is, accordingly, dismissed.

(A. Abhishek Reddy , J)

gauravkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.06.2023
Transmission Date	N/A

