

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21374 of 2014

Mamta Kumari, Daughter of Sri Ravinda Prasad, Resident of Bihar Road,
Hilsa, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The Union Of India through its Secretary, Ministry of Petroleum Govt. of India, 2nd Floor, Shastri Bhawan, New Delhi.
2. That District Magistrate, District- Nalanda (Bihar).
3. The Indian Oil Corporation through its General Manager, Bihar Estate Officer, Lok Nayak Jai Prakash Bhawan 5th Floor, Dak Bunglow Chowk, P.S.- Kotwali, District- Patna.
4. The Chief Manager (R.S.), Indian Oil Corporation Ltd., Bihar Estate Office, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, P.S.- Kotwali, District- Patna.
5. The Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd., (Marketing Division), Block-A, Muryalok Complex, 3rd Floor, Dak Bunglow Road, P.S.- Kotwali, District- Patna.
6. The Land Evaluation Committing through Sri Subodh Kumar retails Sales Officer (Nalanda) Indian Oil Corporation Ltd., Bihar Estate Office Lok Nayak Jai Prakash Bhawan 5th Floor Dak Bunglow Chowk, Patna-1.
7. The Re-Land Evaluation Committee and Land Evaluation Patna Disivional Office, Indian Oil Corporation Ltd., Block-A, Maurya Lok Complex 3rd Floor, P.S.- Kotwali, Dak Bunglow, District- Patna.
8. Smt. Minchu Kumari, Wife of Sri Anil Kumar Sinha, At present Petrol Pump, Chandpura at Chandpura, P.O.- Dahabigha P.S.- Karai Parsburai, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Adv.
	:	Mr. Jitendra Kumar George, Adv.
	:	Mr. Raj Rani Choudhary, Adv.
For Respondent UOI	:	Mr. Kanak Verma, Adv.
For IOCL	:	Mr. Samat Kr. Mishra, Adv.
For the Respondent/s	:	Mr. Ajay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 03-10-2023

Heard the learned counsels for the parties.

The present writ petition has been filed for the
following reliefs:

*“1. That this is an application
for issuance of a writ of certiorari for
quashing the select list for allotment of
retail out let Dealership dated
22.08.2012 issued by Patna Divisional*



Office, Indian Oil Corporation Ltd., whereby and whereunder Respondent No.6 has been selected for allotment of out let Dealership of Petrol Pump giving him Ist position which action is wrong and arbitrary inter-alia the following reliefs:-RELIEFS:-

(1) Select list dated 22.08.2012 issued by Patna Divisional Office giving and selecting first position to Respondent No.6 be set-aside.

(ii) Respondents Authorities be directed to stay the operation of the out let Dealerships (Petrol Pump), installed at Chandrapura under P.S.- Karai Pasurai, District- Nalanda.

(iii) Respondent authorities be directed to reconsider the issue of allotment of Dealership in respect of the petitioner on the basis of materials available on records.

(iv) Respondents authorities be directed to take decision as per requirement terms and conditions laid down in the advertisement as well as on the basis of general rules column-10 made in the Advertisement dated 23.09.2011 published in Dainik Hindustan.”

3. Learned counsel for the petitioner has stated that pursuant to the advertisement issued by the respondent-Corporation Annexure-1 23.09.2011, the petitioner has applied for grant of dealership (Petrol Pump). Even though, the petitioner meets the eligibility criteria and has the requisite land as well as the necessary qualifications, the authority concerned have rejected the application of the



petitioner and selected the Respondent No. 08 herein. Learned counsel has further stated that as per the information procured by the petitioner, the Respondent No. 08 did not have the requisite land and she has submitted papers for a smaller extent of land than what was required. Further, it is stated that the plot identified by the Respondent No. 08 was three kilometers away from the advertised area. Learned counsel has stated that the petitioner has made a representation/complaint to the authorities concerned bringing to their notice about above two discrepancies but the authorities concerned though they came to the conclusion that the land submitted by the Respondent No. 08 was smaller in size they did not take any steps to cancel the allotment. Learned counsel has stated that once the notification is issued by the authorities, calling for applications, the terms and conditions specified in the said notification cannot be altered or changed midway. In this particular case, the respondent authorities have advertised for an area of plot size 35 x 35 meters but the plot identified by the Respondent No. 08 is smaller in size. Therefore, learned counsel has stated that the selection of the Respondent No. 8 is contrary to the



notification issued by the authorities and the allotment made in favor of the Respondents No. 08 may be set aside.

4. *Per Contra*, learned counsels appearing on behalf of the Corporation as well as the Respondent No. 08 have vehemently opposed the very maintainability of the present writ petition. Learned counsel appearing on behalf of the Corporation has stated that the authorities concerned duly taking into consideration the marks allotted to the Respondent No. 08 by the Selection Committee have appointed the Respondent No. 08 as a dealer. Learned counsel has stated that the marks obtained by the petitioner were much less than the marks received by the Respondent No. 08. Learned counsel has drawn the attention of the Court to the marks-sheet which is filed at Page 22 of the present writ petition by the petitioner himself which is held as under:

Format for Evaluation Retail Outlet

Type of Dealership	RO SRMP 11 13
Category	OP (W)
Name of Location	within 3 km from Swami Sahjanand Saraswati Smriti Dwar, Kamta While going towards daniawana on SH-4.
District	NALANDA
State	Bihar
Date and Venue of interview:	22.08.2012 at Patna Divisional Office.

Qualifying Marks 50



S. N.	Name of the candidates	Capability to provide infrastructure & facility			Capability of arrange finance (Max 25)					Educational Qualification (Max 15)	Capability to generate business (Max 10)			Age (Max 4)	Experience (Max 4)	Business Acumen (Max 5)	Personality (Max 2)	Total Application Marks (Max 40)	
		Marks awarded by site Inspection Committee (Max 100)	Marks awarded by Interview Committee (Max 35)	Weighted marks- (iii) x (iv)/100 (Max 35)	Readily available of finance (Max 20)				Letter ensuring loan/credit worthiness certificate (Max 5)		Tied up volume (Max 5)	Project Report (Marks 3)	Over all Assessment (Max 2)						
					Liquid Cash (12)	Assets (4)	Income (4)	Total (20)											
I	II	III	IV	V	VI	VII	VI	VII	VI	VIII	IX	X	XI	XII	XIII	XIV	XV	XVI	
1	MS MAMTA KUMARI	95.00	25.00	23.75	0.00	0.00	0.00	0.00	0.00	10.00	0.00	3.00	0.70	4.00	0.00	1.62	0.70	43.77	Not Qualified
2	SMT MINCHU KUMARI	94.00	35.00	32.90	12.00	4.00	4.00	20.00	5.00	10.00	5.00	3.00	1.20	4.00	4.00	2.33	1.20	88.63	First

Therefore, prayed this Hon’ble Court to dismiss the present writ petition.

5. A perusal of the marks submitted by the selection committee shows that the petitioner has received only 43.77 marks whereas the Respondent No. 08 has received 88.63 marks. As per the said selection, the petitioner application was rejected as not qualified. Once a properly constituted selection committee awards marks on the basis of the documents/financial capacity and other requirements, this Court sitting under Article 226 of the Constitution of India cannot substitute its wisdom for that of the selection committee. Moreover, as seen from the table of marks which is extracted above the Respondent No. 08 got more than double marks than that of the petitioner. It is



stated by the respondent-Corporation that the letter of intent has already been issued to the Respondent No. 08 and the Petrol Pump of the Respondent No. 08 is functioning since last more than ten years therefore, this Court is not inclined to grant the relief sought in the present writ petition at this length of time.

6. Having regard to the above made submissions, this Court does not find any merit in the present writ petition which warrants any interference by this Court and the present writ petition is liable to be dismissed and the same is accordingly dismissed.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.10.2023.
Transmission Date	N/A

