

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13318 of 2022**

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Dhirendra Prasad Roy, Son of Late Bahadur Roy, resident of Village-Budhi Maa Tola, Sultanpur, Post Office and Police Station-Barsoi Bazar, District-Katihar.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited through its Chairman, Corporate Office, Lot No. 3073/3, Sadia Nagar, 18 Tito Marg, New Delhi-110049.
2. The Chairman, Indian Oil Corporation Limited Corporate Office, Lot No. 3073/3, Sadia Nagar, 18 Tito Marg, New Delhi-110049.
3. The Director (Marketing) Indian Oil Corporation Limited, Indian Oil Bhawan, G-9 Ali Javar Jung Marg, Bandra (East), Mumbai-400051.
4. The General Manager, Indian Oil Corporation Limited (Marketing Division), Bihar State Office, Lok Nayak Jai Prakash Bhawan (5th Floor) Dak Bunglow Chowk, Patna-800001.
5. The Head of the Divisional Office, Indian Oil Corporation Limited (Marketing Division), Begusarai Divisional Office, P.O.-Barauni Oil Refinery, District-Begusarai (Bihar) 851114.
6. The Divisional Retail Sales Head, Begusarai Divisional Office, P.O.-Begusarai Oil Refinery, District-Begusarai (Bihar) 851114.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dhirendra Kumar Jha, Adv.  
Mr. Jibendra Mishra, Adv.

For the Respondent/s: Mr. Sanat Kumar Mishra, Adv.

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

**Date : 13-03-2023**

1. The petitioner by way of this writ petition prays  
for considering his candidature for allotment of Retail outlet  
(R.O. Dealership) at location 1 K.M. either side of Barsoi



Bank Chowk, for which advertisement was issued by the respondent.

2. Learned counsel for the petitioner submits that the petitioner is from S.C. category and had applied and for the said purpose he had developed his land. Initially, his application was not being considered on the basis that the land consists of two plots, however, the reason was changed later on and his application was rejected on the ground that the plot which he had earmarked for the purpose of establishment of petrol pump was found to be short by 76 cms in area from the back side. Learned counsel for the petitioner submits that the area as advertised cannot be said to be rigid for the purpose of establishment of petrol pump and 76 cms short of the total area cannot be said to be a sufficient ground for rejecting otherwise suitable application of the petitioner.

3. The Court had directed the respondents to find out as to whether in similarly situated case any relaxation in terms of area stands accorded to them in Bihar.

4. Learned counsel appearing for the respondents has taken this Court to its affidavits to point out that the



relaxation is not available in the area or in the measurement of the front side as well as the depth of at least one side of the concerned plot. Learned counsel for the respondent submits that the land was been found to be short by 76 cms in length from the back side and due to the same the total area also fall short of the requisite area of 1225 square meters. The area being sacrosanct cannot be interfered with nor any power of relaxation is available with the the Selection Committee.

5. I have considered the submission, an area was earmarked in the advertisement notice dated 25.11.2018 mentioning that the plot to be offered for location has to be 1225 square meters. The said advertisement is an open advertisement and therefore, only those applicants could have applied who possess a plot having minimum area of 1225 square meter. Petitioner having lesser land than required could not therefore, have applied for the said advertisement. Asking for a relaxation subsequently, is not sustainable in eyes of law. No person who has applied wrongfully can claim relaxation subsequently, it would amount to being partial towards an individual person if



relaxation is allowed in such manner. Principle of parity has to be maintained for all.

6. In these circumstances, claim of the petitioner is not found to be made out. The writ petition is found to be devoid of merits and is accordingly dismissed.

Suraj/-  
Item No. 45

(Sanjeev Prakash Sharma, J)

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