

27.07.2023
Item No.9
gd/ssd

FMA/1313/2022
IA NO: CAN/1/2022
KRISHNENDU GHOSH
VS
INDIAN OIL CORPORATION LTD. AND ORS.

Mr. Soumyadeep Biswas

... for the Appellant.

Mr. Puspendu Chakraborty

... for the respondent nos.1 to 6.

1. The writ petitioner being aggrieved by the dismissal of his writ petition in WPA 7941 of 2021 has filed this intra court appeal. The challenge in the writ petition was to the appointment of the private respondent as dealer of the Indian Oil Corporation Limited on the ground that the date when the application was submitted by the private respondent, he was not a candidate belonging to an OBC community.

2. This issue was considered by the learned Single Bench and the learned writ court on facts has found that the private respondent has produced a certificate issued by the Sub-Divisional Magistrate, Sadar, Krishnagar, Nadia.

3. It is submitted by the learned advocate appearing for the Indian Oil Corporation that after the complaint was received from the writ petitioner, the Corporation undertook a verification exercise by

addressing the Sub-Divisional Officer, Sadar, Krishnagar, Nadia and by memo dated 30.07.2019 the said Sub-Divisional Magistrate stated that the OBC certificate in the prescribed format issued to the private respondent was verified and has affirmed the correctness of the said certificate.

4. In the light of the said stand, the writ court dismissed the writ petition.

5. In our view, the Indian Oil Corporation having confirmed that the certificate issued in favour of the private respondent is genuine, has awarded the dealership in favour of the private respondent and no error can be attributed to such action being taken by the Indian Oil Corporation.

6. The petitioner relies upon reply received under the Right to Information Act wherein the Public Information Officer has given the answer 'no' to the question "whether Kalyan Ghosh, son of Narayan Ghosh of Jahangirpur has been issued any other caste certificate".

7. The question itself has been so framed seeking information as to whether any other caste certificate has been issued. In any event, the issuing authority himself on verification has certified that the certificate issued in the prescribed format has been verified and found to be correct.

8. Thus, we find no grounds to interfere with the order passed by the learned Single Bench.

9. Accordingly, the appeal fails and the same is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)