

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3924 of 2024

Reshal Ahmad, aged about 46 years, Male, S/o Nabi Ahmad Khan, Resident of Ashapur Bahera, P.S.-Bahera, District-Darbhanga, Presently Residing at 717, G.R. Sagar Nivas Naganathapura, Doddanagamangala, P.S.-Parappana, Begusarai.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation through Chairman, Indian Oil Bhawan, G-9, All Yavar Jung Marg, Bandra (East), Mumbai.
2. The Divisional Manager/Head of the Divisional Office, Indian Oil Corporation Limited, Muzaffarpur Divisional Officer, Krishna Complex Akhara Ghat Road, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate.

For the Respondent/s : Mr. Ankit Katriar, Advocate.

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

4 07-08-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) For issuance of writ in the nature of Certiorari for quashing the decision and communication vide letter dated 02.01.2024 by which the candidature of the petitioner has not been found to be eligible for Retail Outlet (R.O.) dealership as there is mismatch in PAN Card in the application form what has been submitted.

(ii) For directing the concerned respondent to consider the representation dated 05.01.2024 filed by the petitioner pursuant to Para-4 of the communication dated 02.01.2024 by



which the petitioner was informed that if he has any grievance he can make representation by 12.01.2024 and to allot R.O. dealership to the petitioner taking into account that there is no misrepresentation nor any document false, forged or fabricated has been submitted.

(iii) For further to restrain the concerned respondent from allotting the R.O. dealership to any other candidate till the pendency of the instant writ application.”

3. It is a case of the petitioner that he has applied for the Retail Outlet (R.O.) Dealership for location at Sl. No. 350 “within 2 K.M. from main gate of Rajkiya Madhya Vidyalaya Dath towards Benipur on SH56 District Darbhanga, Bihar pursuant to the notification given by the Respondent-Authority. However, the application of the petitioner has been rejected solely on the ground that the details of the PAN Card provided by the petitioner was not matching with the documents. Learned counsel has stated that the mismatch in the PAN Card is only due to the typographical mistake committed by the petitioner at the time of entering the PAN Card details in the application form. That there was no intention to either mislead or play any fraud on the Respondent-Authorities. Learned counsel has stated that while entering the PAN Card details the numerical 4849Q



was typed instead of 4948Q, even as the rest of the details were furnished correctly. Learned counsel has stated that due to the typographical error committed by the petitioner, the rejection of the application is in toto an arbitrary exercise of powers. Therefore, learned counsel has prayed for setting aside the impugned letter of rejection and direct the Respondent-Authorities to process the application of the petitioner.

4. Per contra, the learned counsel appearing on behalf of the respondents has stated that as per the terms and conditions the application, the petitioner had to fill the correct details. That the petitioner's application was liable to be rejected, if any mistake was found or any mismatch in the information provided was noticed. Learned counsel has stated that there are two types of deficiencies; one is rectifiable one; and other is a non-rectifiable one. Learned counsel has stated that as per the list of non-rectifiable deficiencies more particularly Clause 'n' which states that ***"PAN number mismatch/Incorrect PAN number/ PAN number does not belong to the application."*** The same is not rectifiable and, in case, any mismatch is noticed, the application itself is liable to be rejected. Further, learned counsel has stated that the Respondent-Authorities have developed a mechanism whereby



the applicant has to register himself using his PAN number and once a particular PAN number is used, the same cannot be used for any other dealership registration. In case, any other PAN number is submitted, that particular PAN number will get registered in the system and the actual person to whom that PAN number belongs will not be able to apply and is debarred from applying. Therefore, the contention of the petitioner that the typographical mistake committed by the petitioner is only a minor mistake which can be rectified is without any legal basis.

5. Learned counsel has relied on the order of the co-ordinate Bench of this Hon'ble Court dated 31.07.2019 in the case of ***Ashutosh Kumar Vs. Indian Oil Corporation Limited***.

6. A co-ordinate Bench of this Hon'ble Court while dealing with the similar issue has held as under:-

“Having heard learned counsel for the petitioners and learned counsel representing the Corporation and upon perusal of the records, this Court finds that in the application form itself, it is clearly made known to the applicants that any mistake with regard to the information furnished in the application may lead to cancellation of their candidature. The applicant has in fact given an undertaking in the application form itself in paragraph 15 which reads as under:-

“15(a). I am aware that eligibility for Retail Outlet Dealership will be decided based on the information given in the application



above. On verification by the Oil Company if it is found that the information given by me is incorrect/false/misrepresented then my candidature will stand cancelled and I will be declared ineligible for the Retail Outlet Dealership.”

It is further evident that while issuing clarifications on 14.03.2019 in response to the certain questions when a question was raised to the Indian Oil Company with regard to incorrect mentioning of PAN, the Oil Company replied the same in the following terms:-

“Q 17. PAN mentioned incorrectly in the application, but the application is meeting all other criteria. What is to be done? A 17. All cases of PAN mismatch/incorrect PAN/PAN not belonging to the applicant is to be summarily rejected. PAN is a mandatory field required for registration of applicant in the on-line application portal and candidate is expected to fill correct PAN details. It is also to be noted that if an applicant registers using PAN of another parson, the other person automatically gets barred from registering in the portal.”

In the aforementioned background when Note No. 4 under Clause (VIII) at internal page 16 of the rejoinder of the petitioner is taken note of it would appear that 21 days time may be provided to a selected candidate only to remove the rectifiable deficiency. The relevant paragraph of Brochure is quoted hereunder:-

“4. The selected candidate would be given opportunity to provide the rectified/corrected documents under rectifiable deficiency within 21



days' time. If the selected candidate fails to provide the required corrected / rectified certificates / documents, within 21 days, his/her candidature would be rejected under intimation through SMS/e-mail."

In the aforementioned background, this Court is of the considered opinion that there is no arbitrariness on the part of the Indian Oil Company is rejecting the candidature of the petitioners. No interference under Article 226 of the Constitution of India is required. This writ application is, thus, dismissed."

7. Even in this particular case, the applicant was well aware of the consequences, if any mismatch in the information provided in the application form was found more particularly with regard to the non-rectifiable deficiencies.

8. Having regard to the above, this Court does not find any merit in the present writ petition and no interference is required under Article 226 of the Constitution of India. Accordingly, the present writ petition is dismissed.

(A. Abhishek Reddy, J)

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