

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22088 of 2013

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Rajendra Ram Son Of Sri Rajlal Ram Resident Of Vill- Dhangarha, P.S-
Baniapur, District - Saran

... .. Petitioner/s

Versus

1. Indian Oil Corporation Ltd.
2. The General Manager, Indian Oil Corporation Ltd. M.D., Bihar State Office,
Fifth floor,Lok Nayak Jaiprakash Bhawan, Dak Bunglow Road, Patna.
3. The Chief Area Manager, Indian Oil Corporation Ltd., Patna Area Officer
1st Floor, Shahi Bhawan, Exhibition Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Narendra Kumar, Adv.
For the IOCL	:	Mr.Sanat Kumar Mishra, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

13 03-04-2024 The writ application is filed for issuance of writ of certiorari for quashing the letter bearing reference PAT/115/03 dated 12.08.2013 issued by the Chief Area Manager/Respondent No. 3 by which the petitioner's candidature was found not eligible for Rajiv Gandhi LPG Vitrak (hereinafter referred to as "RGGLV" for the sake of brevity) due to not having own land at the advertised location and to pass such other order or order(s) as deem fit and proper.

2. The brief facts of this writ petition are that an advertisement was issued by the respondents No. 1, 2 and 3 inviting application for appointment of candidates under RGGLV scheme in the State of Bihar which was published in



the local daily Hindustan newspaper on 28.06.2013. The petitioner being a Scheduled Caste candidate applied it under SC category for appointment of RGGLV at Dhangarha, in the District of Saran which was received by the third respondent within the stipulated time. The petitioner had got two registered lease deeds for a period of 25 years in his favour as per the required specification for RGGLV. Further without any intimation or notice the third respondent has sent the impugned letter under reference PAT/115/03 dated 12.08.2013 with the specific contention that the candidature of the petitioner was not found to be eligible for not having own land at the advertised location.

3. It is specific contention of the learned counsel for the petitioner that the Brochure, which was filed along with the writ petition clearly disclose that the candidate either should have a land of his own or he should have a land on lease in his favour for a period of 15 years. Therefore, without considering the lease deed, which is in favour of the petitioner for a period of twenty five years, the candidature of the petitioner was not found eligible by the respondents which is nothing but illegal and arbitrary and therefore, prays to set aside the impugned order and direct the respondents to issue LPG dealership in his



favour.

4. On the other hand, the learned counsel for IOCL - Respondent filed a detailed counter contending that the petitioner has applied for the dealership of IOCL under Scheme of Rajiv Gandhi LPG Vitrak which had different guidelines, but the petitioner has filed the guidelines of regular dealership Brochure alongwith the writ petition, which are not applicable to the petitioner.

5. It is also contended by the learned counsel for the petitioner that the counter affidavit clearly disclose at para 12 that as per the regular dealership, one can have land of their own either in the name of petitioner or his family members or they can have possession of the land by virtue of lease deed for a minimum period of 15 years and it is for the regular dealership and not for the Rajeev Gandhi LPG Vitrak Scheme.

6. It is also contended by the learned counsel for the respondents that the petitioner has applied for dealership application, under the Scheme of Rajiv Gandhi LPG Vitrak wherein the Brochure of guidelines were filed along with the counter affidavit, which clearly disclose that the persons who has applied under the Scheme of RGGLV shall own a land either in the name of the person who made application or in the



name of any members of the family unit and there is no option of having any lease, and therefore, the candidature of petitioner was rightly rejected by the impugned letter and therefore, prayed to dismiss the writ application as it is devoid on merits.

7. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents. Perused the records.

8. On perusal of the records, it is evident that the Brochure/guidelines which were filed along with the writ petition is for selection of regular LPG distributorship and the Brochure which was filed along with the counter affidavit is specifically for the selection of Rajiv Gandhi Gramin LPG Vitrak, therefore, the petitioner is bound by the guidelines of the Brochure of Rajiv Gandhi Gramin LPG Vitrak under which the petitioner should own a land i.e. a plot of land having minimum dimension of 21M X 26M for construction of LPG godown for storage of 5000 KG of LPG cylinder at the advertised RGGLV location. The plot of the land for construction of Godown not meeting the minimum dimension of 21M X 26M will not be considered for a ready LPG cylinder storage Godown of 5,000KG capacity at the advertised RGGLV location and sub-Clause (3) of the guidelines under column 6 which clearly disclose “own” means having clear ownership or title of the



property in the name of the applicant/family member(s) of the 'Family Unit' as defined in multiple dealership/distributorship norm or land belonging to parents and grandparents of both maternal or paternal side of the applicant as on the date of submission of the application as specified in the advertisement. In case the ownership by the family members as given above, consent in the form of Notarized Affidavit from the family members is also required. As per guidelines/Brochure, it is evident that the petitioner is not eligible as he does not own land either in his name or in the name of his family members, therefore, the respondents have rightly rejected the candidature of the petitioner.

9. In view of the above discussion this Court is of the considerable view that the writ petition is devoid of merits.

10. In result, the writ petition is dismissed.

(G. Anupama Chakravarthy, J)

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