

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12626 of 2015

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Ajeet Kumar Singh S/o Sri Vishwanath Prasad Singh resident of village-
Teghra, P.O.- Teghra, Via- Khutauna, District- Madhubani, Bihar, 847227

... .. Petitioner

Versus

1. Bharat Petroleum Corporation Ltd. B.P.C.L., Bharat Bhawan, 4 and 6
Currimbhoy Road, Ballard Estate, P.B. No. 688 Mumbai 400001.
2. Regional Manager, Bharat Petroleum Corporation Ltd., Eastern Regional
Office, Bharat Bhawan, Plot No. 31, Kit Scheme No. 118, Prince Gulam
Mohammad Shah Road, Golf Green, P.B. No. 16201 and 16204, Kolkata-
700095.
3. Area Marketing Manager, Bharat Petroleum Corporation Ltd., 3rd Floor,
Ashiyana Chamber, Exhibition Road, Patna 800001.
4. Territory Manager (LPG), Bharat Petroleum Corporation Ltd., Patna LPG
Territory and Bottling Plant, Fatuha Industrial Area, Fatuha, District- Patna,
Bihar- 803201.
5. Jyoti Devi W/o Shri Nav Kant Yadav, resident of village- Ekamma, Block-
Khutauna, P.O.- Basnia, Laukaha, Dist.- Madhubani.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Rabindra Nath Kanth, Advocate
For the Respondents	:	Mr. Siddhartha Prasad, Advocate
	:	Mr. Om Prakash Kumar, Advocate
For the BPCL	:	Mr. Pankaj Kr. Sinha, Advocate
	:	Mr. Aatish Kumar, Advocate

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

Date : 22-11-2024

1. The Writ petition is filed for the following

reliefs:

*(i) To cancel the selection of 5th
respondent for Award of LPG
Distributor (RGGLV) at the location
Teghra, Block-Babubarahi, District-
Madhubani, as she got selected in
violation of the terms of selection and*



appointment of LPG Distributorship (RGGLV) described in Advertisement published by the Oil Corporation.

(ii). To direct the respondent-Oil Corporation to produce copy of LOI (Letter Of Intent), issued in favour of 5th respondent for appointment as RGGLV Distributorship at Teghra and to quash the same.

(iii). To conduct re-draw among the remaining qualified candidates, as per the terms of selection, for appointment of LPG Distributorship (RGGLV) at location Teghra, after rejecting the candidature of the 5th respondent, who has furnished false and wrong information with regard to her residential status which is an essential eligibility criteria for the selection.

2. The brief facts culled out of the Writ petition is that a joint advertisement on behalf of three Public Sector Oil Company was published in the Newspaper on 28.02.2011, inviting application for appointment of Rajiv Gandhi Rural LPG Distributorship (hereinafter referred as



RGGLV) for several locations including Teghra, Block-Babubarahi, District-Madhubani at Serial No. 7, allocated to Bharat Petroleum Corporation Ltd. (hereinafter referred as B.P.C.L.) for conducting selection and appointment of RGGLV Distributorship under Open category. The last date for submission of application was 30.03.2011. The petitioner and others, including the 5th respondent, namely, Smt. Jyoti Devi submitted applications against the said location 'Teghra'. It is important to note that the relevant point of time, 5th respondent was not the resident of Village- Teghra rather she was resident of Village-Ekamma, Panchayat- Jhajhpatti Asha, Block-Khutauna, District- Madhubani, which is evident from the Voter List of the year 2011. As per the Voter List of 2011, name of the 5th respondent was mentioned at Serial No. 15 with Voter ID No. JNG5071196, the date of eligibility indicated was 01.01.2011 and the date of publication of the said Voter List was 30.01.2011.

3. It is the specific contention of the Learned counsel for the petitioner that 5th respondent fraudulently



obtained Residential Certificate No. MDB/BAB/2011/RES/3022 dated 05.03.2011 from Babubarahi Block showing herself as a resident of Village- Teghra, Babubarahi, Madhubani and the said Residential Certificate was issued on the basis of Affidavit No. 72/4-3-2011. On the basis of the said Certificate, the 5th respondent submitted the application for allotment of LPG Distributorship, suppressing her actual residential status.

4. It is further contended by the Learned counsel for the petitioner that *vide* Letter dt. 07.07.2011, the respondent-Oil Corporation communicated to the petitioner that the date of draw was to be held on 28.07.2011 and on the said date, the petitioner along with other candidates appeared and participated in the draw, in which one Rani Kumari was selected. However, her selection was subsequently cancelled, as the application was at variance in the field verification.

5. It is further contended by the Learned counsel for the petitioner that the Voter List of 2012 also disclose



that the 5th respondent was shown as resident of Village- Bhajnaha, Panchayat – Jhajhpatti Asha, Block – Khutauna, District – Madhubani and that she is not the resident of Teghra village. Therefore, it is prayed to cancel the selection of the 5th respondent, as it was allotted to her, due to misrepresentation.

6. A detailed counter is filed on behalf of the respondent Nos. 1 to 4. The counter disclose that the entire process of selection was carried out as per the applicable guidelines for RGGLV, as approved by Ministry of Petroleum and Natural Gases, New Delhi. Initially, Rani Kumari was declared as selected candidate in the first draw, but the same was rejected and re-draw was conducted among seven eligible candidates on 19.03.2012, in which Smt. Jyoti Devi was declared as selected. During the Field Verification of Credentials (FVC), there were few complaints regarding the residential status of the selected candidate, namely, Smt. Jyoti Devi and accordingly, the Residential Certificate of the 5th respondent was verified from Sub-Divisional



Officer, Madhubani & Circle Officer, Babubarhi. After receiving due confirmation and on completion of FVC, a Letter Of Intent (LOI) was issued to Smt. Jyoti Devi/5th respondent on 26.03.2015. After necessary formalities, the Distributorship was commissioned and the 5th respondent commenced the working of Distributorship under the name and style of M/s Jyoti Bharatgas Gramin Vitrak, Tehra from 30.07.2015.

7. The counter further disclose that there where complaints on the residential status of the selected candidate, namely, Smt. Jyoti Devi. The Circle Officer, Babubarhi and Sub-Division Officer, Madhubani, both verified and confirmed that the 5th respondent, namely, Smt. Jyoti Devi is the *bona fide* resident of the advertised location i.e., Teghra prior to 30.03.2012, therefore, prayed to dismiss the Writ application as it is devoid of merits.

8. The 5th respondent who is the contesting respondent, also filed a counter affidavit denying all the allegations made in the Writ petition. The counter disclose that on bare perusal of the Voter List of the year 2012



(Annexure-2), it is evidently clear that at Serial No. 15, against the alleged name of the 5th respondent, the name of her husband was shown as '*NAVKANT BHINDWAR*' whereas the facts remains that the name of husband of the 5th respondent is '*Navkant Yadav*', as such, it cannot be treated as conclusive proof against the 5th respondent, whereas several admissible evidences are on record otherwise establishing that the 5th respondent is the resident of village – Teghra cannot be ruled out and she has been rightly awarded the Letter Of Intent of the Distributorship. Apart from that, permanent Residential Certificate, issued by the Block Development Officer, is certifying that 5th respondent is a *bona fide* resident of the Teghra village. The Passbook of Central Bank of India having Account No. 1882472664 is also filed before the Court to prove the address of the petitioner as that of the resident of Teghra village. Further, the Land Possession Certificate showing *Mauza* and *Thana* No. 156, *Tauzi* No. 31/202, *Khata* No. 147, *Khesra* No. 3485, 3486, having an area of 4 *Kattha* 15 *Dhur* in her name through absolute



sale-deed having possession over it with rent receipt issued by the concerned Circle Officer on 24.03.2011 is also on record to establish the fact that 5th respondent is the resident of Teghra village, therefore, prayed to dismiss the Writ application.

9. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents and perused the record.

10. On perusal of the record, it is evident that the Voter List, which alleged to have contended by the 2nd respondent shows that the 5th respondent belongs to a different village. However, the Residential Certificate issued by the Concerned Revenue Officials clearly disclose that the 5th Respondent is the resident of Teghra village as on the date of the advertisement. Furthermore, the District Magistrate, Madhubani conducted a detailed enquiry from the local residents and passed an order *vide* Letter No. 1175/D.S.G dated 06.07.2019 stating that the 5th respondent is the resident of Teghra village.



11. Therefore, this Court is of the considerable view that there is no necessity to interfere with the order of the respondent in allotting the LPG distributorship to the 5th respondent, namely, Smt. Jyoti Devi.

12. With the abovesaid discussions, the Writ petition is dismissed as it is devoid of merits.

13. Interlocutory application(s), if any, shall also stands disposed of.

(G. Anupama Chakravarthy, J)

Shanu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2024.
Transmission Date	NA

