

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12855 of 2024

Chandan Kumar Son of- Sri Hareram Sah, R/o- Village and P.O.- Nagdah,
P.S.- Muffasil, District- Begusarai, Pin- 851117.

... .. Petitioner/s

Versus

1. The Union of India through the Director, Indian Oil Corporation Limited, Refineries Division, Scope Complex Core 2, 7 Institutional Area, Lodhi road, New Delhi-110003.
2. The Indian Oil Corporation Ltd, through its Chairman-cum- Managing Director, G.- 9 Ali Yadav Jung Marg, Bandra (East), Mumbai- 400051.
3. The Director, Indian Oil Corporation Limited, Refineries Division, Scope Complex Core 2, 7 Institutional Area, Lodhi Road, New Delhi- 110003.
4. The General Manager, Human Resources (H.R), Indian Oil Corporation Limited (Refineries Division), Barauni Refinery, District- Begusarai, Pin- 851114
5. The Chief Manager, Power and Utility (P and U), Indian Oil Corporation Limited (Refineries Division), Barauni Refinery, Barauni, District- Begusarai, Pin- 851114
6. The General Manager, Power and Utility (P and U), Indian Oil Corporation Limited (Refineries and Division), Barauni Refinery, Barauni, District- Begusarai, Pin- 851114
7. The Deputy General Manager, Power and Utility (P and U), and H.R, Indian Oil Corporation Limited (Refineries Division), Barauni Refinery, Barauni, District- Begusarai, Pin- 851114
8. Vicky Kumar, son of Sri Surendra Sah, Resident of Village- Rajaura, P.O.- Rajaura, P.S.- Muffasil, District- Begusarai, 851114.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Braj Bhushan Poddar, Advocate
For the Respondent/s	:	Mr. Kumar Ravish, Advocate, CGC
For the Respondent (I.O.C.L)	:	Mr. Ankit Katriar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2024 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for Indian Oil
Corporation Limited.

2. The present writ petition has been filed with



following reliefs:-

(a). For quashing the order dated 15.04.2024 passed by the Deputy General (Human Resources) whereby and where under column of the petitioner has been rejected in a most arbitrary manner without considering the facts of the case (Annexure- 9).

(b). For the direction to the respondent Indian Oil Corporation to finally select the petitioner OBC category in Place of Respondent No. 8 after revising the selection list, pursuant to Advertisement No. BR/HR/RECTT/OR/2021-22.

(c). For issuance of writ in nature of certiorari for quashing the selection of respondent no., namely, Vikey Kumar for the post of Junior Engineer, Assistant- IV (P&U) bearing post code 202 and Roll no. 202035.

(d). For any other relief/reliefs as the petitioner entitled of the present case.

3. Learned counsel for the petitioner submits that earlier he had moved before this Hon'ble Court vide order dated 16.01.2024 passed in CWJC No. 4104 of 2022 in which his writ petition was dismissed as not pressed with liberty that petitioner



shall avail alternative remedy for redressal of his grievances. Counsel further submits that in view of the liberty granted by this Hon'ble Court the petitioner filed representation before Executive Director but the Executive Director has not communicated its decision on any other occasion and the said decision he has obtained only through RTI Act, 2005 and filed the present writ petition in which he has challenged the said information communicated to him through RTI dated 26.04.2024 in which decision of the organization dated 15.04.2024 is attached herewith.

4. Learned counsel for Indian Oil Corporation submits that from the RTI, it transpires that the official has made every effort to deliver the said letter but it could not be received by the petitioner. He submits that in the letter dated 15.04.2024 matter was reviewed and reason has also been explained duly.

5. Upon perusal of the said letter it transpires to this Court that authority concerned has passed a reasoned and speaking order in which the operative part is as follows:-

"We have reviewed your aforesaid representations/ letters. Upon consideration, the same have been found to be devoid of any merit. The recruitment process for Advertisement No. BR/HR /RECTT/OR/2021-22 has been



conducted fairly and in complete consonance with the applicable terms & conditions of the subject advertisement. As such, any allegation of arbitrariness is thoroughly misconceived and is not tenable. In so far as your candidature is concerned, the same was rejected in line with the detailed advertisement No. BR/HR/ RECTT/OR/2021-22. You have not been shortlisted for the said post as "The Merit list of the selected candidates for the said post was based on the relative performance in Written Test, SPPT, Reservation of posts as per the Presidential Directives; among other things."

The aforesaid reasons have been communicated to you earlier also vide various RTI replies etc. It is only thereafter that you filed a writ petition, bearing CWJC No. 4104 of 2022, before the Hon'ble Patna High Court. However, after hearing the parties on a preliminarily basis, even the Hon'ble High Court did not find any merit in your writ application and had



decided to dismiss your case in limine. However, faced with a straight dismissal order, your counsel sought to unconditionally withdraw the said matter and, vide its dismissal order dated 16.01.2024, the Hon'ble Court was pleased to direct that " the writ petition stands dismissed as not pressed". As such, the lis of the matter has attained finality now. Situated thus, the Indian Oil Corporation is not even obligated to consider your representations, much less pass any order in your favour."

6. After going through the operative part of the letter, this Court is of the view that there is no need of any interference in this matter.

7. Accordingly, this writ petition stands dismissed.

(Dr. Anshuman, J.)

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