

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17142 of 2018

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Usha Singh Wife of Mithilesh Kumar, Resident of Village- Paharpur Chak,
Ahlad Bangra Nizamat, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Ltd. through the General Manager-cum-State Incharge, Lok Nayak Bhawan, Dak Bungalow Chowk, Patna-1
2. General Manager-cum-State Incharge LPG, Lok Nayak Bhawan, Dak Bungalow Chowk, Patna-1.
3. The Deputy General Manager LPG Sales, Indane Area Office, Indian Oil Corporation Ltd. M.D., 1st Floor, Shahi Bhawan, Exhibition Road, Patna-1
4. The Senior Manager, LPG Sales, Muzaffarpur-II, Indane Area Office, Indian Oil Corporation Ltd. M.D. 1st Floor, Shahi Bhawan, Exhibition Road, Patna
5. The Field Verification Committee through Assistant Committee, Muzaffarpur, Bottling Plant, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate
For the Respondent/s : Mr. Amlesh Kumar Varma, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 29-07-2025

1. The petitioner has filed the instant application for the following relief(s):

“ For issuance of proper writ/ writs,order/orders, direction/directions setting aside the decision of Indian Oil Corporation Ltd. (MD) contained in letter dated 26.06.2018 sent by the Deputy General Manager, LPG (Sales) Indane Area Office, Patna (Respondent no.3) through registered post to the petitioner informing the petitioner that



her candidature for advertised location Bangra Nizamat, District Muzaffarpur category advertised on 17/18.06.2017 has been rejected and forfeiting the amount of Rs.40,000/- deposited with the Indian Oil Corporation for the said candidature.

The further prayer is for grant of consequential reliefs. It is further prayed that the Respondents may be directed to reconsider the petitioner's application for award of distributorship of LPG and allot the same to the petitioner.

During the pendency of writ petition in this Hon'ble court further allotment of L.P.G. distributorship of same location be stayed."

2. In nutshell, the contents of the Writ petition are that the petitioner applied online for an LPG distributorship under the "Open (W)" category at location Bangra Nizamat, District Muzaffarpur, in response to an advertisement dated 17.06.2017 issued by the Indian Oil Corporation Ltd. (IOCL). The application was registered under Reference No.



IOC02312460218072017 and was duly submitted along with the requisite documents on 18.07.2017.

3. It is submitted by the petitioner that pursuant to the aforesaid advertisement, a draw of lots was conducted on 15.01.2018 for the advertised location, in which she was declared successful. Accordingly, the Deputy General Manager of IOCL, vide letter dated 16.01.2018, directed the petitioner to deposit the requisite fee and submit documents for field verification of credentials, in accordance with the Unified Guidelines for Selection of LPG Distributors.

4. It is further submitted by the petitioner that in compliance with the said direction, the petitioner deposited the required fee and submitted relevant documents as per the Brochure on 22.01.2018.

5. The Learned counsel for the petitioner submitted that subsequently, the IOCL, through its letter dated 21.03.2018, communicated certain discrepancies observed during field verification. Specifically, it was pointed out that:



(i) the land proposed for the showroom was not located in the advertised revenue village (Bangra Nizamat) but in Mauza Chak Ahlad

(ii) the No Objection Certificates submitted were from individuals who were not the recorded owners of the land as per revenue records on the date of application.

6. The Learned counsel for the petitioner submitted that the petitioner, through a detailed representation dated 23.03.2018, clarified that the proposed land is situated in Chak Ahlad Mauza, which falls within the Bangra Nizamat Panchayat—the location specified in the advertisement. It was further contended that a PACS godown already exists in the same mauza within Bangra Nizamat Panchayat and the land in question was mutated in the names of Late Manchit Singh, Late Vidya Nand Singh, and Late Hridaya Narayan Singh, who were the petitioner's predecessors, and that all legal heirs had furnished NOCs in her favour. The land offered corresponds to Khata No. 423, Plot No. 3394, measuring 33 decimals is situated in Bangra



village itself.

7. The Learned counsel for the petitioner further submitted that an additional representation dated 10.05.2018 was also submitted by the petitioner providing further clarification regarding the ownership and location of the land offered for the showroom and godown, reaffirming that it fulfills the criteria mentioned in the advertisement.

8. The Learned counsel for the petitioner contended that despite of submissions and clarifications, the Respondent No. 3 rejected the petitioner's candidature vide letter dated 26.06.2018 (Annexure-P-9) without assigning sufficient reasoning. Furthermore, the security deposit of Rs.40,000/- was forfeited.

9. The Learned counsel for the petitioner lastly submitted that the reconsideration of petitioner's candidature was submitted via email dated 07.07.2018, highlighting that the earlier representations, which was not appreciated. Hence the petitioner was constrained to file the present



Writ petition.

10. A counter affidavit was filed by the respondents. The Learned counsel for the respondents submitted that, on perusal of Annexure-9, it appears that after full consideration of the documents, the respondents had rejected the candidature of the petitioner.

11. For better appreciation of the case, the relevant part of the Annexure-9, is reproduced as follows:

"We regret to inform you that upon field verification of the information submitted by you in your application, following variance was observed:

*It was found that offered land for:-
Godown at khata No. 119, khesra No. 661, 662, 663, 665, 810 and Showroom at Khata No. 119, khesra No. 662 is jointly owned in the name of your father-in-law and others. But you were unable to submit Declaration in the form of affidavit as per Appendix-2 from your father-in-law (land owner) as mentioned in item no. 5 of application dtd 18/07/2017 submitted by you.*

FVC committee provided an



opportunity to you to offer alternate land for Godown & Showroom. You offered alternate land at Khata No. 423, Khesra No. 3394 for both Godown & Showroom which is also jointly owned in the name of your father-in-law and others for which you were unable to submit Declaration in the form of affidavit as per Appendix-2 from your father-in-law (land owner) as mentioned in item no. 5 of application dtd 18/07/2017 submitted by you.

You further confirmed to FVC committee vide letter dated 10/05/2018 that you have no other land to offer for the said purpose.

From above, it is established that you do not have suitable land for LPG Godown & Showroom as per conditions of advertisement for subject location.

In view of the above, your candidature is rejected for the advertised location: Bangra Nizarmat, District: Muzaffarpur, Category: OPEN(W) advertised on 17-18/06/2017 and the amount of Rs. 10,000/- deposited with the Corporation stands forfeited in line with clause No. 26 (b) of the Brochure on Unified Guidelines for Selection of LPG Distributors, June 2017. (Refer para no. 01



of the advertisement dtd 17-18/06/2017)."

12. Further, the Learned counsel for the respondents submitted that the issue involved in the present case, i.e., the non-compliance by the applicants with the terms and conditions of the advertisement, the brochure, and the requirement of documents as per the settled guidelines, has already been set at rest by a catena of decisions rendered by this Court. It was contended that, in view of such non-compliance, the candidature of the petitioner has been cancelled.

13. In support of the case of the respondent Corporation, the Learned counsel has relied on the following judgments of the Division Bench of this Court reported in (1) **2012 (2) PLJR 783 (M/s Indian Oil Corporation Limited Vs. Raj Kumar Jha & ors)**, (2) **2019(3) PLJR 1042 (The Indian Oil Corporation & Ors. Vs. The Rupesh Kumar Verma)** and order passed in **LPA No. 925 of 2012 (Mukesh Pandey Vs. The Hindustan Petroleum Corporation & Ors.)**.



14. The observations made by the Hon'ble Division Bench in **M/s Indian Oil Corporation Limited (supra)** are quoted hereinbelow:

“8. We are of the opinion that the Corporation being the State within the meaning of Article 12 of the Constitution is supposed to act fairly, reasonably and uniformly and has to be objective in its approach. Once the standard is set out in the advertisement, the Corporation has to adhere to the said standard without any variation. In case, the Corporation allows any alteration the same will amount to subjective approach which is frowned upon by the Courts time and again. To remain objective the Corporation is required to adhere to the standards mentioned in the advertisement. In the present case, it is not in dispute that the application made by the writ petitioner was not in conformation with the requirements mentioned in the advertisement. In our opinion, the Corporation was justified in rejecting the application of the writ petitioner.

9. *The Learned Single Judge ought not to have interfered with the*



decision of the Corporation which was taken in consonance with the terms and conditions contained in the advertisement. Besides; may be, in the present case it was a mere typographical error. However, there might be a case of mischief or misrepresentation also. It is difficult to draw a line where an error ends and a mischief or misrepresentation begins. The best way to avoid discrimination is strict adherence to the standards mentioned in the advertisement. For the aforesaid reasons we hold that the Corporation was justified in rejecting the application of the writ petitioner. The Appeal is allowed. The impugned judgment and order dated 28th January, 2010 passed by the Learned Single Judge in CWJC No. 13196 of 2009 is set aside. CWJC No. 13196 is dismissed."

15. Further the Hon'ble Division Bench of this Court in **The Indian Oil Corporation & Ors. (supra)** has held as follows:

"We have considered the submissions raised and we find that the advertisement categorically prescribes



that a candidate would be rendered ineligible if the information given amounts to withholding or concealing any fact or tendering of an incorrect information or a false information that would result in affecting the eligibility of the candidate. The three categories which have been specifically provided have, therefore, to be read as indicated therein and, in our considered opinion, any incorrect information would affect the eligibility of a candidate. In the instant case, it is admitted on record that the information given by the respondent-petitioner with regard to the plot of the land and khata number in the application form was an incorrect information and was, therefore, a wrong information. The plot number and the khata number was 123 and 356 respectively. This mistake was accepted by the respondent-petitioner himself when he tendered the rectification deed on 12th of June, 2018 long after the expiry of the last date of the application form. There is a substantial variation in the number of khata and the plot that was subsequently tendered as Khata No. 300 with Plot No. 122 and the same, in



our opinion, is not such an error which can be termed as a typographical error at least in the application form of the respondent-petitioner. The error may have occurred in the deed for which the respondent-petitioner is clearly responsible and this stands admitted by him in view of the rectification deed tendered later on. Consequently, the information as contained in the application form and the deed which was filed along with the same palpably gave an incorrect information with regard to the khata and the plot number. This therefore disentitled the respondent-petitioner from being treated as an eligible candidate. The conclusion drawn by the Learned Single Judge bereft of these facts therefore cannot stand the scrutiny of law. Shri K. D. Chatterji, Learned Senior Counsel for the appellants is, therefore, correct in his submission that the Division Bench Judgement as relied upon by the appellants in the case of Indian Oil Corporation Ltd. v. Raj Kumar Jha (supra) squarely applies on the facts of the present case."



16. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

17. In light of the legal proposition laid down in the aforesaid judgments, this Court is of the considered view that once a standard is set out in the advertisement, the Corporation is bound to adhere to the said standard without any variation. In case, if the Corporation permits any alteration, it would amount to a subjective approach, which has been disapproved by the Courts time and again. In the present case, the petitioner through her application form, offered unsuitable land for LPG distributorship based on the selection criteria stipulated in the Unified Guidelines for Selection of LPG Distributors - June 2017, which was rightly rejected by the respondents.

18. Therefore, the petitioner cannot claim any right for consideration of her application. This Court finds no error or irregularity in the decision of the respondents in issuing rejection letter (Annexure-P-9) to the petitioner.



19. In view of the above discussion, the Writ petition is liable to be dismissed, as it is devoid of merits.

20. In result, Writ petition is dismissed.

21. Interlocutory Application(s), if any, shall stand disposed of

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2025
Transmission Date	

