

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18762 of 2018

=====

Kohenur Begam @ Kohenor Begam Wife of Md. Azam alias Azam, Resident of Ward NO. 05, Samda Mohanganj, P.O.- Solmari, Police Station- Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Limited M. D. Through The Managing Director, Indane Area Office, Begusarai, P.O. Barauni Oil Refinery, District Begusarai (Bihar) - 851114
2. The Managing Director, Indian Oil Corporation Limited M. D. , Indane Area Office, Begusarai, P.O. Barauni Oil Refinery, District Begusarai (Bihar) - 851114
3. The Chief Area Manager, Indian Oil Corporation Limited M. D. , Indane Area Office, Begusarai, P.O. Barauni Oil Refinery, District Begusarai (Bihar) - 851114

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda, Advocate
For the Respondent/s : Mr. Sanat Kumar Mishra, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-08-2025

1. The petitioner has filed the instant application for the following reliefs:

“For setting aside the order dated 14.08.2018 issued by Chief Area Manager, Indane Area Office, Begusarai whereby and whereunder Petitioner's candidature has been rejected and the amount of Rs.40,000/- deposited with the Corporation stands forfeited and further for a direction to the concerned respondents to accept petitioner's



candidature for LPG Distributorship because she has own land for showroom and also fulfils other criteria."

2. In nutshell, the contents of the Writ petition are that the petitioner made an application pursuant to Advertisement dated 17.06.2017 for appointment as LPG distributorship -Gramin Vitrak of Indian Oil Corporation Ltd. at Location - Gorakhpur, District Katihar under the "OPEN (W)" Category. Pursuant to the aforesaid advertisement, a draw of lots was conducted for the said location on 05.01.2018 wherein the petitioner was declared as successful candidate. Later, the petitioner was informed vide letter dated 06.01.2018 to deposit Rs. 40,000/- along with necessary documents for field verification of the proposed land and other credentials.

3. It is submitted by the Learned counsel for the petitioner that on 01.07.2018, a Letter was issued by the FVC Member-cum- Operations Officer(P), Jamshedpur, wherein it was mentioned that the land offered by the petitioner for the



showroom vide Deed No. 7899/94 dated 20.08.1994, situated in Mauza Tahirpur, Block-Azamnagar, District Katihar, falls outside the advertised location and is not suitable as per the terms and conditions stipulated in the brochure/advertisement regarding the general suitability of land. It is further submitted that in light of the above facts, the petitioner was given one more opportunity to arrange an alternate suitable piece of land for the showroom under Mauza Gorakhpur.

4. It is also submitted that pursuant to the said letter dated 01.07.2018 (vide Annexure-5), the petitioner again offered another piece of land, for the showroom vide Lease Agreement No. 47/2017 dated 01.04.2017, Tauzi-Gorakhpur, Khata No. 276, Plot No. 423, Area 03 decimals Sq. Kari. However, the concerned respondents did not consider the alternate land as suitable for the showroom. Subsequently, the petitioner's candidature was rejected on 14.08.2018 (Annexure-7) and the amount of Rs. 40,000/-



deposited with the Corporation was forfeited.

5. The Learned counsel for the petitioner submitted that the respondents rejected the petitioner's candidature on a wrong and baseless ground. The rejection of the petitioner's candidature is illegal in the eyes of law and therefore, impugned order is liable to be set aside as being unjust and arbitrary.

6. A detailed counter affidavit was filed on behalf of the respondents. At the outset, the Learned counsel for the respondents Indian Oil Corporation submitted that, on perusal of Annexure-7, it appears that after full consideration of the documents, the respondents had rejected the candidature of the petitioner.

7. For better appreciation of the case, the relevant part of the Annexure-7, is reproduced as follows:

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



“ Applicant does not have own land for showroom as on last date of submission of application.”

8. Further the respondent drawn attention of this Court towards Annexure R/1-3, by which the petitioner has informed the FVC Committee Member cum Operations Officer, Jamshedpur B.P. Begusarai that she did not have an alternate land. For better appreciation, the relevant part of the Annexure-R/3, is reproduced as follows:

“ Through this letter, I Kohenur Begum W/o Md. Azam finally confirmed that I have no other alternate piece of land at Mauja : Gorakhpur, Block : Azamnagar, Distt : Katihar, Bihar either own or under my family unit.”

9. 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.

10. 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.)**.

11. 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."

12. 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."

13. 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 retail outlet dealership based on the selection criteria stipulated in the Unified Guidelines for Selection of Dealership, which was rightly rejected by the



respondents. It is the specific admission by the petitioner before the respondent (IOCL) that she had no other alternate land at the advertised location either own or under her family unit.

14. 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-7) to the petitioner.

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

16. In result, Writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.09.2025
Transmission Date	

