

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10277 of 2018

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Rakesh Kumar S/O Shri Ram Babu Singh, R/o- Vill.- Pirauchha P.O.- Kanta
P.S.- Gayghat Muzaffarpur Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Ltd. through its Chairman cum Managing Director having its registered office at Indian Oil Bhawan, G-9, Ali YavarJung Marg, Bandra (East) Mumbai - 400051
2. The Executive Director Indian iol corporation Limited M.D, Lok Nayak Bhavan, Dak Banglaw Chauk, Patna
3. The General Manager Retail Sales Indian Oil Corporation Limited M.D Lok Nayak Bhavan, Dak Banglaw Chauk, Patna
4. The Senior Divisional Retail Sales Manager, Indian Iol Corporation Limited, Muzaffarpur Divisional Office, Krishna Complex Akharaghat Road, Muzaffarpur
5. The Senior Manager Retail Sales Marketing Division, Indian Oil Corporation M.D, Begusarai Division Office P.O. Barauni Oil Refinery, Dist - Begusarai
6. The Chief Divisional Retail Sales Manager Marketing Division, Eastern Region, Indian Oil Corporation, Limited, Muzaffarpur Divisional Office, Krishna Complex Akharaghat Road, Muzaffarpur
7. The State of Bihar through The Circle Officer, Anchal- Gayghat Muzaffarpur, Dist- Muzaffarpur
8. Ujjwal Kumar, S/o Sri Anjani Kumar Thakur, R/o Mohall- Mahabir Asthan, Akarghat Road, P.S.- Town, Dist.- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the Respondent/s	:	Mr. Atul Shankar, AC to SC 19
For the Indian Oil Corporation	:	Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 07-07-2025

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

“ (I) for quashing the Letter Ref;



MDO/RS/KSK/498/C dated 31.3.2018 issued under the signature of The Chief Divisional Retail Sales Manager Marketing Division, Eastern Region, Indian Oil Corporation Limited Muzaffarpur Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur[Respondent no-6] whereby and where under the candidature of petitioner for the proposed Kishan Sewa Kendra at "Within 1 KM From Benibad Chauk [Katwara More] towards Gangeya on Kewtasa-Aurai Road" Dist Muzaffarpur, Bihar Catogary open sub category- Nil[Adv. S no498] has illegally and arbitrary been cancelled and further for quashing the enquiry report bearing Ref: MDO/RS/KSK/498 DATED 23.2.18 issued by The Chief Divisional Retail Sales Manager, Indian Oil Corporation Limited Muzaffarpur Divisional Office, Krishna Complex Akharaghat Road, Muzaffarpur that was submitted without considering the material set forth in Circle Officer Report and which was made on misconceived and frivolous complaint filed by respondent no 8 opponent to petitioner.



ii. For issuance of direction upon the respondents to appoint the petitioner as Retail out let [Kishan Sewa Kendra] dealer at "Within 1 KM From Bénibad Chauk [Katwara More] towards Gangeya on Kewtasa-Aurai Road" Dist Muzaffarpur, Bihar Category open sub category- Nil[Adv. S no498] as advertised by the respondents and petitioner is fulfilling all the requisites condition for the same but his candidature has illegally been cancelled.

iii. For granting any other relief/reliefs for which the petitioner may be found entitled in the fact and circumstances of the case."

2. Brief facts of the case are that the petitioner applied for the dealership of Kisan Seva Kendra under Open category and Sub category Nil, as advertised by the respondent, Indian Oil Corporation Limited (hereinafter referred to as "the IOCL"), on 22.10.2014 "within 1 KM from Benibad Chauk (Katwara More) towards Ganeya on Kewtasa-Aurai Road" District Muzaffarpur, Bihar.



The petitioner submitted all requisite documents along with application on 19.11.2014. It is claimed by the petitioner that only two candidates applied against the dealership in question. The petitioner was initially selected for the Kisan Seva Kendra dealership through the lottery system. However, the Senior Divisional Retail Sales Manager (Muzaffarpur Division), vide letter dated 05.01.2017, informed the petitioner that the selection was subject to fulfillment with the terms and conditions of IOCL.

3. The contention of the petitioner is that the that private respondent No. 8, also applied for the same dealership, lodged a complaint before IOCL, alleging that the land frontage offered by the petitioner was insufficient. Based on this complaint, IOCL sought verification from the Circle Officer, Anchal Gayghat, Muzaffarpur, regarding the dimensions of the land offered by the petitioner.

4. The petitioner, in turn, filed a complaint against private respondent No. 8, alleging that the



land documents submitted by respondent No. 8 were false and invalid. Reports from the Circle Officer also supported his claim. Despite this, no action was taken against respondent No. 8 by IOCL.

5. The Learned counsel for the petitioner submitted that the Circle Officer's inquiry report, dated 16.09.2017, confirmed that the petitioner's land was sufficient in size, measuring approximately 244 ft (north-south) and 95-105 ft (east-west) with additional adjoining land owned by the petitioner's family.

6. It is further submitted that despite the Circle Officer's report favoring the petitioner, IOCL, by letter dated 23.02.2018, informed the petitioner that the allegations raised by respondent No. 8 were substantiated, and further action would be taken as per IOCL policy. The Circle Officer's report was not given due consideration.

7. The Learned counsel for the petitioner further submitted that the IOCL issued a letter dated 31.03.2018 canceling the petitioner's



candidature for the KSK dealership, at the said location without proper appreciation of the land verification report, and based solely on the frivolous complaint of respondent No. 8, who had allegedly submitted forged documents.

8. It was further contended that the petitioner possessed the required land (25m x 25m) as per application and affidavit. Further, the Circle Officer's enquiry corroborates the sufficiency of the land. Yet no action was taken against the respondent No. 8 who has submitted forged and invalid land.

9. It was further contended on behalf of the petitioner that the cancellation of the petitioner's candidature was arbitrary, illegal, and influenced by the malicious complaint of respondent No. 8, who is inimical to the petitioner and applied fraudulently for the same dealership.

10. Lastly, it is submitted that the petitioner had fulfilled all eligibility criteria, and his initial selection was valid. The IOCL's action in canceling his candidature without due



consideration of relevant facts is violation of principles of natural justice and the impugned order is liable to be quashed.

11. A counter affidavit was filed on behalf of the respondents Indian Oil Corporation Limited. It is averred in the counter affidavit that two applications were received for the dealership in question. Both of which were found to be eligible. A Land Evaluation Committee (LEC) meeting was held on 22.11.2016, wherein both lands were found technically suitable. A draw of lots was conducted on 05.01.2017, and the petitioner was selected.

12. It is further averred in the counter affidavit that complaints were received from the unsuccessful candidate, Shri Ujjwal Kumar (respondent No. 8), on 24.01.2017 and 30.01.2017, alleging that the land offered by the petitioner on the subject location is not meeting the conditions of the advertisement. Thereafter, an internal investigation was initiated in accordance with IOCL grievance redressal policy. As per the Minutes of



Meeting dated 01.08.2017, it was acknowledged by the petitioner that he originally offered a plot with a frontage of only about 24 feet for a depth of 50 feet and did not fully abutt the PWD road.

13. It is further averred in the counter affidavit that a site inspection was conducted by the Investigating Officer (IO) on 07.08.2017 which confirmed that the original plot did not fully abutt the PWD road. The petitioner later acquired an adjoining plot through a sale deed dated 10.01.2017 and claimed to have rectified the deficiencies. This was communicated vide letter dated 07.09.2017 (Annexure R/5). A clarification was also sought from the Circle Officer, Gayghat, who confirmed via report dated 16.09.2017 that the original land did not abutt the PWD road.

14. The Learned counsel for the respondent Indian Oil Corporation Limited submitted that the investigating officer concluded in his report that the complaint made by Shri Ujjwal Kumar was substantiated. Accordingly, vide letter dated 31.03.2018 (Ref. MDO/RS/KSK/498/C),



the petitioner was informed that his candidature was cancelled. The selection process for the location still remains pending.

15. Heard the Learned counsel for the parties and perused the records of the case.

16. It is submitted by the Learned counsel for the respondents Corporation that the admitted laches on the part of the writ petitioner were acknowledged by himself as per his application form. The land offered was unsuitable land, ignoring the instructions mentioned in Advertisement notice issued by the respondent Corporation, whereby the all applicants were specifically advised to go through the Brochure, carefully before submitting an Application-form, hence the wrongful information submitted in the Application form with regard to offered land is not fit to be rectified at a later stage.

17. The Learned counsel for the respondent Corporation contended that no cogent cause of action is available against respondent Corporation as the petitioner does not possess any



legal right to challenge the Letter dated 31.3.2018 (Annexure-8), hence, prayed to dismiss the Writ petition.

18. In support of the case of the respondent Corporation, the Learned counsel has placed reliance on the 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.)**.

19. The Learned counsel for the respondents submitted that the terms and conditions of the advertisement, the Brochure and the requirement of documents as per the settled guidelines were not complied with, by the petitioner, hence the dealership could not be awarded to the petitioner. Further, contended that similar issues have already been settled by the Division Bench in the aforesaid decision.



20. For better appreciation of the case, the observations made by the Hon'ble Division Bench in **M/s Indian Oil Corporation Limited Vs. Raj Kumar Jha & ors (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."*

21. Further the Hon'ble Division Bench of this Court in **The Indian Oil Corporation & Ors. Vs. The Rupesh Kumar Verma (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.”

22. 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 had offered unsuitable land, which was rejected by the respondents. This Court finds no error or irregularity in the decision of the Corporation which was in strict consonance with the terms and conditions contained in the advertisement.

23. Therefore, the petitioner cannot claim any legal right for consideration of his candidature. This Court finds no error or irregularity in the issuance of the letter dated 31.03.2018 (Annexure-8) by which the candidature of the petitioner for proposed Kisan Sewa Kendra at “within 1 KM from



Benibad Chauk (Katwara More) towards Ganeya on Kewtasa-Aurai Road” was cancelled, or in the decision of the respondents not to appoint the petitioner as retail outlet dealer for the said location.

24. In view of the above discussion, this Court is of the considerable view that the Writ petition is liable to be dismissed.

25. In result, Writ petition is dismissed as devoid of merit.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2025
Transmission Date	

