

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18393 of 2016**

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Aditya Kumar S/op Jagannath Prasad R/o Bazidpur, P.O P.S.- Vidyapatinagar,  
District Samastipur-848503

... .. Petitioner/s

Versus

1. Indian Oil Corporation Ltd. through its Chairman-cum-Managing Director, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai -400051
2. General Manager, Indian Oil Corporation Ltd. 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna
3. Regional Manager, Marketing Division Eastern Region Indane Area Office, Indian Oil Corporation Ltd, 1<sup>st</sup> Floor, Shahi Bhawan, Exhibition Road, Patna
4. Area Manager, Indian Oil Corporation Ltd M.D.. Indane Area Office, Begusarai P.O. Barauni Oil Refinery, District – Begusarai (Bihar) - 851114
5. Area Manager , LPG-S /Purnia SA, Indian Oil Corporation Ltd M.D., Indane Area Office, Begusarai P. O – Barauni Oil Refinery, District Begusarai (Bihar) – 851114.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Rabindra Nath Kanth, Advocate |
| For the Respondent/s | : | Mr. Sanat Kumar Mishra, Advocate  |

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**  
**ORAL JUDGMENT**  
**Date : 18-06-2025**

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

*“1. To quash the order contained in letter vide Ref. BAO / 261 dated 29-8-2016 passed by Respondent No. 4 by which Petitioner's application for selection and award of LPG Distributorship at location- Forbesganj, District- Araria has been rejected on the grounds that the Petitioner does not fulfill the criteria of requisite*



*qualification as on date of application.*

*II. To directed the Respondents to consider the candidature of Petitioner for award of LPG Distributorship at location- Forbesganj, District- Araria and issue LOI in his favour pursuant to his selection in Draw dated 25-10-2013 against the Advertisement dated 18-5-2012.*

*III. To quash the result of Re-draw dated 15-9-2016 carried out by the Respondent Corporation for selection of LPG Distributorship at location- Forbesganj, District- Araria, against the Advertisement dated 18-5-2012.*

*IV. To allow any other Relief (s) for which the Petitioner would be found entitled under the facts and circumstances of the case.”*

**2.** The key facts derived from the petition are that the petitioner submitted an application for selection and award of LPG distributorship at the location “Forbesganj”, Araria pursuant to the Advertisement dated 18/05/2012 of the Indian Oil Corporation Ltd. Pursuant to his



application, the respondent Oil Company through letter vide Ref. No. BAO /261 dated 1-10-2013 informed the petitioner that he had qualified for the draw for selection of subject LPG distributorship and was requested to be present for the draw on 25-10-2013 at the place mentioned in the said letter. Pursuant to the aforesaid advertisement, the draw of lots were conducted for the said location on 25.10.2013, wherein the petitioner was declared the successful candidate.

3. The petitioner submitted that the officials of the respondents conducted a field verification and found the documents, including educational qualifications, to be in order at that time. However, the Company later issued a letter (Ref. No. BAO/IMP/10-12/55/27 dated 04.03.2016 (Annexure-2) stating that the "Sahityalankar" degree from Hindi Vidyapeeth, Deoghar, submitted by the petitioner, cannot be considered as equivalent to a full-fledged graduation degree. The petitioner was also asked to provide evidence showing that the "Sahityalankar" certificate was



recognized by the Ministry of HRD, Government of India, as equivalent to a graduate degree as on the date of application.

4. The Learned counsel for the petitioner submitted that the petitioner submitted a detailed reply dated 28-3-2016 along with following documents :-

i. Press Note No. F 7-50/6911 dated 18-2-1970 issued by the Ministry of Education, Government of India.

ii. Press Note No. 3-20/2000 D-II (Bhasha) dated 30-8-2000 issued by Ministry of Human Resource Development, Government of India.

iii. Government of Bihar vide Memo No. 8/R-3030/84 dated 11-1-1991 issued by Government of Bihar

iv. Letter No. 6063 dated 3-11-2003 issued by the State of Jharkhand

v. Letter No. 3930 dated 1-8-2007 issued by the State of Jharkhand

5. The Learned counsel for the



petitioner submitted that as per the selection Brochure (Annexure-4), the prescribed educational qualification is "Graduation in any field" or "an equivalent qualification, recognized by the Ministry of HRD, Government of India." It is contended that the Brochure does not require a "full-fledged graduation degree," but only an equivalent qualification recognized by the Ministry. It is further submitted that, based on Press Notes dated 18.02.1970 and 30.08.2000, the Government of India granted permanent recognition to various examinations, including the "Sahityalankar" Examination conducted by Hindi Vidyapeeth, Deoghar, and recognized it as equivalent to a Bachelor of Arts (B.A.) in the academic field of Hindi, at the graduation level.

6. The Learned counsel argued that it is evident from the said Press Note that the Ministry of HRD accorded recognition to the "Sahityalankar" Examination specifically in the academic discipline of Hindi and treated it, as equivalent to a B.A. degree in that field. Further, the petitioner passed



the Sahityalankar Examination in Hindi in the year 2000—recognized by the Ministry of HRD—the petitioner fulfilled the prescribed educational criteria under the Brochure for LPG distributorship selection.

7. The Learned counsel also submitted that the Governments of Bihar and Jharkhand, through various circulars, had recognized the "Sahityalankar" degree as equivalent to a B.A. for employment in government services. Judgments of the Hon'ble Patna High Court have also held that, at one point, the degree was considered equivalent for appointments such as teachers. It was only by virtue of the Rules of 2011 that such equivalence was effectively withdrawn, following a State Government circular dated 27.08.2008.

8. The Learned counsel for the petitioner submitted that the petitioner obtained the "Sahityalankar" degree from Hindi Vidyapeeth, Deoghar in the year 2000, i.e., during its validity period. Therefore, recognizing it as valid for appointments in Government Service, despite the



rider in the Government of India Press Note, but denying its validity for a commercial contract by State instrumentalities and corporations within Bihar appears to be arbitrary. It was further submitted that the rider incorporated in the Government of India Press Note—that such examinations shall not be treated as equivalent to full-fledged degrees—is applicable only for employment in Government services. Since the award of LPG distributorship is a commercial contract and not government employment, the rider has no application here. Moreover, the Brochure only requires an "equivalent qualification recognized by the Ministry of HRD, Government of India," and not necessarily a full-fledged graduation degree.

9. The Learned counsel for the petitioner also submitted that, despite furnishing a detailed reply with supporting documents, the application for LPG distributorship was rejected by a non-speaking order dated 29.08.2016 (Ref. No. BAO/261 - Annexure-5), merely stating that



sufficient documents were not submitted to establish eligibility. No reasons were provided as to why the Press Note dated 18.02.1970 and 30.08.2000 were found unsatisfactory in the context of the prescribed educational criteria.

10. The Learned counsel for the petitioner further submitted that the rejection of the petitioner's application is arbitrary, illegal, and violative of Article 14 of the Constitution of India. Therefore, the impugned order dated 29.08.2016 (Annexure-5) is liable to be quashed.

11. A counter affidavit was filed on behalf of the respondent, Indian Oil Corporation Limited. Contrary to the petitioner's claims, the respondent submits that Hindi Vidyapeeth, Deoghar has not confirmed itself to be a 'University' established by an Act of the Central or State Legislature in India, nor an educational institution established by an Act of Parliament or declared as a 'Deemed University' under the UGC Act, 1956. On the contrary, the institution has clarified that the said examination is not



recognized by the UGC. Although the institution has stated that the "Sahityalankar" qualification is equivalent to B.A. and recognized by the Government of India and various state governments but the copy of the recognition enclosed with the letter reveals otherwise. As per Press Note No. 7-50/69H.I dated 18th February 1970 (Annexure R/2), the recognition granted to the Sahityalankar examination pertains only to the standard of Hindi prescribed in the B.A. examination. It specifically states that the qualification shall not be treated as equivalent to a full-fledged B.A. degree, but merely as recognition of the standard of education of Hindi. It is further submitted that the so-called degree of "Sahityalankar" from Hindi Vidyapeeth, Deoghar is not recognized even for the purpose of appointment or promotion of teachers.

12. The Learned counsel for the respondents relied on the order of this Hon'ble High Court dated 06.03.2013, passed in LPA No. 1326 of 2012, *Manikant Yadav & Ors. vs. The State*



*of Bihar & Ors.*, wherein it was held that the qualification of 'Sahityalankar' from Hindi Vidyapeeth, Deoghar is not recognized for the purpose of appointment or promotion of teachers. It is further submitted that, vide letter dated 04.03.2016 (Annexure 2 to the writ application), the petitioner was given an opportunity to submit documents establishing that the 'Sahityalankar' degree from Hindi Vidyapeeth, Deoghar was recognized by the Ministry of Human Resource Development as equivalent to a full-fledged graduate degree as on the date of application.

13. The Learned counsel for the respondents submits that, in view of the above, the petitioner failed to satisfy the eligibility criteria under Clause 7.1(ii) of the common eligibility criteria as per the Selection Guidelines for regular LPG Distributorship, 2011. Accordingly, a proposal for cancellation of the petitioner's candidature was initiated on 26.07.2016 and approved on 09.08.2016. The cancellation was subsequently communicated to the petitioner through letter Ref.



No. BAO/261 dated 29.08.2016.

14. It is further submitted on behalf of the respondents that a second re-draw was conducted on 15.09.2016, in which one candidate, Sri Ajay Kumar Singh, was selected. After conducting Field Verification of Sri Ajay Kumar Singh, the distributorship was commissioned on 31.10.2017. Therefore, the reliefs prayed for in paragraph 1 of the writ petition are neither feasible nor maintainable in the facts of the present case and are liable to be rejected.

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

16. From the pleadings of the respective parties, this Court comes to the conclusion that the only issue involved in the writ petition is whether the *Sahityalankar* degree obtained by the petitioner in the year 2000 is equivalent to a B.A. degree or not

17. The Learned counsel for the petitioner relied on a judgment of Full Bench of this Court reported in **(2019) 3 PLJR 1291 (FB)**



**(Ramashankar Patel and others Vs. State of Bihar and others).** It is necessary to reproduced paragraph No. 46 of the aforementioned judgment and it reads as under:

**“46.** In terms of the notification of the General Administration Department as contained in Memo No. 541 dated 11<sup>th</sup> January, 1991 the Sahityaalankar certificate had got equivalence to the graduation at least prior to 25.08.2008, therefore, those writ petitioners who obtained their Sahityalankar degree from Hindi Vidyapeeth, Deoghar prior to 25.08.2008 would come within the framework of the notification dated 11<sup>th</sup> January, 1991 and shall be entitled for consideration for promotion to B.A. (Trained) Scale. By virtue of the notification dated 08.04.2016, the promotions granted between 07.05.2012 and 08.04.2016 have been saved. Further by notification dated



*17.04.2017 now even the degree obtained prior to 07.05.2012 and the appointment/promotion granted between 07.05.2012 and 08.04.2016 have been saved. In these circumstances the petitioners no. 4, 7 and 15 shall also be entitled for the benefits because in both cases i.e. notification dated 08.04.2016 and notification dated 17.04.2017 the State respondents cannot contend that while the promotions granted to the persons junior to the petitioners in the gradation list between 07.05.2012 and 08.04.2016 shall be saved, the petitioners would not be entitled for the same. This would be discriminatory because once equivalence granted to Sahityaalankar degree obtained from Hindi Vidyapeeth, Deoghar prior to 07.05.2012 is saved it will save the petitioners who have their Sahityaalankar degree obtained prior to 07.05.2012. They would be entitled to*



*maintain their position in the seniority list and in case juniors to them have been granted promotion in terms of B.A. (Trained) Scale, these petitioners shall also be entitled for the same from the date their juniors have received the benefit.”*

18. From bare perusal of the aforesaid judgment passed by Full Bench in **Ramashankar Patel (supra)**, this Court is of the considered view that the degree of Sahityalankar acquired by the petitioner in the year 2000, was equivalent to a B.A. degree.

19. Therefore, the order contained in letter vide Ref. BAO/261 dated 29.8.2016 passed by respondent No. 4 is quashed and set aside.

20. As regards the other reliefs prayed for in the writ petition, this Court has considered the contents of the counter affidavit filed on behalf of the respondents. It has been stated in paragraph 32 of the counter affidavit that, after the cancellation of the petitioner's candidature, a second re-draw was conducted on 15.09.2016, in



which one Ajay Kumar Singh was selected, and the distributorship was commissioned on 31.10.2018. A third-party right has thus been created in the matter. Moreover, the petitioner has not impleaded the said individual—who was selected and to whom the distributorship was commissioned on 31.10.2018—as a party to the present proceedings. Therefore, the petitioner may approach the respondent authorities by filing an appropriate application along with a copy of this order for redressal of his grievance.

21. Accordingly, with the aforesaid observations this Writ petition is partly allowed.

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

**(G. Anupama Chakravarthy, J)**

Spd/-

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