

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20348 of 2018

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Asha Devi W/o Late Vinod Kumar Singh, Resident of Village- Lal Parsa, P.S.-
Sugauli, District- West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The Union Of India through Secretary, Ministry of Defence, South Block,
New Delhi - 110011
2. The Director General Resettlement, Directorate General Resettlement,
Ministry of Defence, Government of India, West Block – IV, R.K.Puram,
New Delhi - 110066
3. The Senior Area Manager, Indian Oil Corporation Limited, Marketing
Division, Eastern Region, Indane Area Office, Patna, Shashi Bhawan,
Exhibition Road, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rabindra Nath Kanth, Advocate
For the UOI	:	Mr.Ram Anurag Singh,CGC
For the IOCL	:	Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-10-2025

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

*“For issuance of appropriate writ, order
or direction to the Respondent No. 1 and
2, directing them to make payment of
monetary compensation to the petitioner
for the pecuniary loss and damage
caused due to breach of public duty to be
objective in issuing Eligibility Certificate
for allotment of LPG distributorship under
defence category and due to error
committed by Respondent No. 2 in*



issuing wrong Eligibility Certificate, the selection and grand of LPG distributorship to the petitioner has been set aside, resulting into termination of the LPG distributorship of the Petitioner, which involves pecuniary loss of several lakhs rupees to the Petitioner and also affected the source of livelihood of the Petitioner.”

2. This is the second round of litigation arising from the same cause. The petitioner is the widow of Late Sepoy Vinod Kumar Singh, who died in 1988 while serving the Indian Army in Jammu & Kashmir. In 2007, she applied for LPG distributorship under the defence quota. She was issued an Eligibility Certificate dated 14.11.2007 by the Directorate General Resettlement, Ministry of Defence under Priority-II. Relying upon the said certificate, she applied for the LPG distributor at Raxaul by Indian Oil Corporation Ltd. (IOCL) and was selected. A Letter of Intent (LOI) and Letter of Appointment (LOA) were issued to her, and she commenced distributorship operations. The second



empanelled candidate, Smt. Rani Devi, challenged the petitioner's selection. Upon inquiry, the EME Records clarified that the petitioner's husband's death, though attributable to military service, did not qualify as a battle casualty. Based on this clarification, Directorate General Resettlement unilaterally downgraded the petitioner's eligibility from Priority-II to Priority-IV. Even after the deduction of marks, due to the change in priority, the petitioner retained the top position in the merit list. However, the Division Bench of this Court in LPA No. 704 of 2010 set aside her selection on the ground that her application was defective at inception, as it was based on an incorrect Eligibility Certificate. Her subsequent review petition and Special Leave Petition before the Hon'ble Supreme Court were dismissed. IOCL then terminated her distributorship.

3. Learned counsel for the petitioner submitted that the petitioner merely applied for an Eligibility Certificate and did not seek any specific priority. The DGR, on its own assessment,



issued the certificate under Priority-II. The petitioner acted in good faith, relying upon an official document issued by a competent authority applied for LPG distributorship. It is further submitted that the subsequent downgrading was done unilaterally without affording any opportunity of hearing to the petitioner.

4. It is further submitted that the petitioner suffered financial loss of around Rs.10 lakhs due to cancellation of dealership. The Directorate General Resettlement failed in its duty to verify facts and act objectively before issuing the certificate, amounting to administrative negligence. Therefore, the petitioner is entitled for monetary compensation to the loss caused.

5. In support of the submissions, the Learned counsel for the petitioner placed reliance upon a judgment of Hon'ble Supreme Court in (i) ***United AIR Travel Services v. Union of India*** (W.P. (C) No. 631 of 2016 (ii) ***Chambara Soy v. State of Orissa & Ors.*** reported in **AIR 2008 Orissa 148.**



6. A counter affidavit was filed on behalf of the respondent No. 3 / IOCL. The Learned counsel for the IOCL submitted that Indian Oil Corporation acted strictly on the basis of the Eligibility Certificate issued by the DGR. The Letter of Intent and subsequent Letter of Allotment were issued conditionally, subject to revision in priority by Directorate General Resettlement.

7. It is further submitted that in light of the judgment passed by the Hon'ble Division Bench's in LPA No. 704/2010, IOCL terminated the dealership of the petitioner.

8. Upon hearing learned counsel for the parties and of perusal of records, it appears that the petitioner's application was entertained and the selection was made on the basis of an erroneous certificate issued by Directorate General Resettlement under Priority-II. The Division Bench of this Court, in LPA No. 704/2010, has already held that the application itself was defective since inception, and thus the entire selection process stood vitiated. This view was affirmed by dismissal



of the review petition and Special Leave Petition by the Hon'ble Apex Court. The petitioner's claim for compensation is founded upon administrative negligence by Directorate General Resettlement.

9. The prayer for issuance of a writ, directing payment of compensation on the basis of an alleged administrative lapse cannot be acceded in the absence of clear proof of mala fide, gross negligence, or breach of a statutory duty. In the present case, competent court of law has not held that the Directorate General Resettlement has acted with malice negligence or inviolation of statutory obligation. The petitioner's recourse, if any, lies in pursuing a civil suit for damages, where such claims can be adjudicated upon evidence of negligence and actual loss.

10. This Court, while exercising its writ jurisdiction under Article 226 of the Constitution of India cannot assess compensation claims that involves disputed facts.

11. In light of the above discussion, this Court finds no merit in the present writ petition.



The prayer for monetary compensation is not maintainable in the exercise of writ jurisdiction, particularly in light of the fact that the legality of the distributorship in question is conclusively determined by earlier judicial pronouncements.

12. Accordingly, the writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.10.2025
Transmission Date	

