

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3575 of 2016**

Smt. Anjoo Rai @ Anjoo Kumari W/o- Vikas Kumar Rai, Resident of Village- Narayan Pipar, P.O- Pansalla, Via- Meghaua, District- Begusarai, P.S.- Chhaurahi.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Bihar State Office, 5th Floor, Loknaya Jay Prakash Bhawan, Dak Bangla Chawh, Patna-1, through it General Manager, Bihar State Office, Patna.
2. The General Manager, IOCL, Bihar State Office, 5th floor, Loknaya Jayprakash Bhawan, Dakbunglow Chowk, Patna - 1
3. The Director Marketing Bihar State Office, 5th floor, Loknaya Jayprakash Bhawan, Dakbunglow Chowk, Patna - 1
4. The Senior Manager RS Bihar State Office, 5th floor, Loknaya Jayprakash Bhawan, Dakbunglow Chowk, Patna - 1
5. The Manager RS Bihar State Office, 5th floor, Loknaya Jayprakash Bhawan, Dakbunglow Chowk, Patna- 1
6. The Deputy Manager L.P.G.-S CSC Bihar State Office, 5th floor, Loknaya Jayprakash Bhawan, Dakbung, Patna - 1
7. Smt. Bindu Kumar, W/o- Chitranjan Kumar, Resident of Kumbhi Pargana, Bhusadi, P.S.- Cheriya, Bariyarpur, District- Begusarai.
8. The State of Bihar
9. The District Magistrate, Begusarai.
10. The Circle Officer, Cheriabariarpur, Distt. Begusarai.

... .. Respondent/s

**Appearance :**

|                             |   |                                                                              |
|-----------------------------|---|------------------------------------------------------------------------------|
| For the Petitioner/s        | : | M/s Raj Kishore Prasad<br>Rajeev Ranjan, Advocates                           |
| For the IOCL                | : | Mr. Ankit Katriar, Advocate                                                  |
| For the Respondent<br>No. 7 | : | Mr. Astha Ananya, Advocate                                                   |
| For the State               | : | Mr. Manoj Kumar Sinha, AC to SC 19<br>Mr. Birendra Prasad Singh, AC to SC 19 |

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**  
**ORAL JUDGMENT**  
**Date : 07-03-2025**

1. Initially, the Writ petitioner has filed the  
Writ petition for the following reliefs:-

*“(i) To issue writ in the nature of writ  
of certiorari for quashing the final*



*marks allotted to the Private respondent No.7, Smt. Bindu Kumari by the selection committee of the respondent the Indian Oil Corporation for selection of Dealership of Kisan Seva Kendra of Indian Oil Corporation situated at between Utkramit Middle School Kumbhi Dera to Middle School Pateliya Dera, in the District of Begusarai.*

*(ii) To issue writ in the nature of mandamus directing the respondent authorities to allot the mark on the basis of the document submitted by the respective candidate including the petitioner and the respondent No.7 and according act in fair and reasonable manner for selection of Dealership of Kishan Seva Kendra at the aforesaid location.”*

2. During the pendency of the Writ petition I.A. No. 2 of 2024 was filed bringing on record the subsequent developments as the respondent had cancelled the candidature of the petitioner regarding the selection of Kisan Seva



Kendra dealership and the said interlocutory application was allowed. A fresh copy of the Writ petition was filed with the following prayers:

*"I. To issue writ by quashing the letter no. BDO/KSK/Kumbhi dated 16.12.2022 in which the respondent IOCL has cancelled the candidature of the petitioner and direct the Respondent authority to issue the revised final marks allotted to the petitioner after considering the marks in the field availability of power of and cancel the candidature of the Respondent no. 7 on the basis of false information / misrepresentation found from the fact submitted regarding her candidature under the rule for allotment of KSK (retail outlet) in between Utkramit Middle School Kumbhi Dera to Middle School Pateliya Dera in the district of Begusarai as per advertisement dated 19.11.2011.*

*II. To issue a direction to the Respondent Authority after adding the marks contained in the parameter of availability of power*



*from the report dated 20.09.2016 by second LEC and after considering the fresh marks on behalf of the present petitioner be pleased to allow the present writ application by directing the respondent authority to issue letter of intent to the present petitioner for the purpose of establishment of retail outlet ( Kisan Seva Kendra) at location between Utkramit Middle School Kumbhi Dera to Pateliya Dera in the district of Begusarai by the advertisement dated 19.11.2011.*

*III. To direct the respondent authority (Respondent no.-9) to make fair and transparent process regarding the issuance of No objection Certificate (NOC) for the establishment of retail outlet on the basis of circular and rule issued by Road Construction Department (RCD)/ PWD, State of Bihar with in fixed time frame.*

*IV. To pass such other order/ orders as your lordship deemed fit and proper for the interest of justice.*

3. The first prayer closely resembles the



prayer in the main Writ petition, challenging the merit list and the final marks allotted to the petitioner. Therefore, the said prayer has become infructuous.

4. The second prayer pertains to the addition of marks for the parameter of availability of power, which was rectified by the respondents during the pendency of the writ petition. As a result, the second prayer in the fresh writ petition is also infructuous..

5. As far as the third prayer is concerned, it seeks a direction for the respondent authorities to ensure a fair and transparent process regarding the issuance of the No Objection Certificate (NOC) for the establishment of the retail outlet, as per the circular issued by the Road Construction Department/PWD, State of Bihar, and additionally it seeks to pass such other order(s) as deemed fit and proper in the interest of justice.

6. The brief facts of the case, as culled from the petition, are that the petitioner applied for the dealership of Kisan Seva Kendra (petrol and



diesel dealership) at a location between Utkramit Middle School Kumbhi Dera and Middle School Patliya Dera in Begusarai District, as advertised by the respondent, Indian Oil Corporation Limited (hereinafter referred to as “the IOCL”), on 19.11.2011. After the submission of the application, the Technical Committee of IOCL visited the proposed site and conducted a land verification, submitting its report on 19.06.2012 (Annexure-1), which allocated 92 marks to the petitioner’s land. However, the petitioner was allotted zero marks for the availability of power at the site, while respondent No.7 received 8 out of 8 marks for the same criterion. Additionally, respondent No.7 was awarded full marks (100) for land and infrastructure, whereas petitioner’s received only 92 marks, which when proportionately calculated equated to 32.20 marks. This discrepancy is particularly significant as both sites had no power availability and were situated directly opposite each other on the same road. Thus, equal marks should have been allotted for



power availability. It is further submitted that while the petitioner submitted a sale deed for the land, respondent No.7 submitted a lease deed for land belonging to Raj Narayan Yadav and his brothers, which was later found to be a false and fabricated document, lacking legal standing, despite this, respondent No.7 was given full marks for land and infrastructure. Furthermore, regarding the "capability to provide finance," category the petitioner was allotted 21 marks, whereas respondent No.7 was given 25 marks. This discrepancy arose because the petitioner received zero marks for "fixed and movable assets," despite submitting a registered sale deed, whereas respondent No.7 was allotted 4 marks for the same criterion without submitting any supporting documentation.

7. The Learned counsel for the petitioner submitted that the petitioner's application should have been considered more favorably given the unfair advantages granted to respondent No.7, particularly regarding falsely marked power



availability. The petitioner had met all other eligibility criteria and was invited to appear for an interview on 13.12.2013. After the interview, the Selection Committee allocated 86.54 marks to the petitioner and 92 marks to respondent No.7. Consequently, respondent No.7 was ranked first, and the petitioner was ranked second, despite the unfair marking.

8. It is submitted by the the petitioner in the Writ petition that there are three major discrepancies in the marks allotted to the petitioner and respondent No.7. They are as follows:

(i). Availability of Power: The petitioner was allotted zero marks for "availability of power," which impacted the "capability to provide land and infrastructure" category consequently, the petitioner received only 92 marks in this category, leading to proportionate mark of 32.20 whereas respondent NO. 7 received 35 marks. The difference of 2.80 mark arose solely due to the petitioner being awarded zero marks for power



availability. Since both sites had no power, and were located opposite each other. Equal marks should have been allotted for this criterion.

ii. Capability to Provide Finance: The petitioner received 21 marks under "capability to provide finance," criterion while respondent No.7 received 25 marks. The discrepancy of 4 marks arose because the petitioner was awarded zero marks for "fixed and movable assets," despite submitting a sale deed, proving ownership of land and its value. The sale deed is a legitimate document containing the property's value and the applicable stamp duty. However, respondent No.7 did not submit any supporting documents, yet was awarded 4 marks for "fixed and movable assets." Respondent No.7's documents were either fabricated or insufficient.

iii. Experience: Respondent No.7 was awarded 4 marks for "Experience," whereas the petitioner was awarded only 1 mark. The experience certificate submitted by respondent No.7 was dated 12.09.2011, stating that she



worked as a manager at a fuel center from 01.04.2009 to 31.03.2011. However, the certificate was found to be false, as respondent No.7 was enrolled in a B.Ed course from 27.06.2010 to November 2011. The Principal of the college confirmed this in a letter dated 02.05.2014, proving that the experience certificate was fabricated. On the other hand, the petitioner holds a Master of Business Administration degree, with substantial business experience, including agricultural business, which the respondent No.7 lacked.

9. It is further submitted by the petitioner that additionally, the income certificate submitted by respondent No.7 contradicted the official records as it, showed no agricultural land in her name. In contrast, the petitioner submitted a sale deed as evidence of agricultural land ownership and filed income tax returns, demonstrating a legitimate income. The petitioner raised these concerns in a complaint submitted to the authorities on 16.12.2013. While Indian Oil



Corporation acknowledged that the marks for "fixed and movable assets" under "capability to provide finance" were mistakenly awarded to respondent No.7, other complaints were deemed incorrect. It is further submitted that a fresh verification of the petitioner's and respondent No.7's lands was conducted on 11.08.2016, revealing that the nearest electricity pole was 65 meters from the petitioner's land as compared to 34.75 meters from respondent No.7's land. This further demonstrates that the earlier verification and marks allocation were flawed and not transparent. The final marks sheet dated 02.06.2015 issued on 08.06.2015, revealed that respondent No.7 had been awarded 4 marks for "fixed and movable assets," despite the land for which the valuation report was submitted not being owned by her. The land agreement was found to be false and legally invalid, as the husband of respondent No.7 did not hold title to the land.

10. The Learned counsel for the



petitioner submitted that according to the By-laws for handling complaints in the Dealers/Distributors section (Memo No. 6069(DSG)-17/10 dated 29.04.2010), if any statement or document submitted by a candidate is found to be false or misrepresented to enhance eligibility or merit, the candidate's application should be cancelled. On 24.12.2017, the petitioner's husband wrote to the Prime Minister's Office and relevant authorities, stating that no action had been taken against respondent No.7, despite the proposed land being subject of a dispute between Ramdayal Yadav and others and Sitaram Yadav and others, in Title Suit No. 50/2017 before the Court of Sub-Judge Manjhaul, Begusarai. It was further submitted that the degree of B.Ed. (2010-2011) of respondent No.7 does not meet the required norms. According to the B.Ed. course regulations, the programme must include at least 200 working days and 36 hours of weekly instruction. However, respondent No.7's certificate does not comply with these norms indicating that the degree was fabricated.



Additionally, the Indian Oil Corporation's brochure dated 11.04.2011 clearly states that if false information is provided by an applicant before or after appointment, the dealership will be cancelled. The respondent authorities also acknowledged in their letter dated 22.12.2013 that the petitioner's land was wrongly reported as having no electricity source, when it was located only 65 meters from the nearest power source, as confirmed by a verification on 11.06.2016.

11. The petitioner further asserts that the proposed land of respondent No.7 belongs to Raj Narayan Yadav, as evidenced by a rent receipt dated 09.01.2014 and a possession certificate issued by the Circle Officer on 24.01.2014. The husband of respondent No.7 has no legal claim to the property.

12. The Learned counsel for the petitioner submitted that the verification of documents and the fair evaluation of credentials should have been conducted before finalizing the merit list. However, despite the misrepresentation



of fixed and movable assets by respondent No.7, it was overlooked, and the merit list wrongly listed respondent No.7 as the first empanelled candidate. According to Rule 19.2 of the Selection Brochure, the candidature of respondent No.7 should have been cancelled at this stage. Finally, the petitioner further highlighted that, during the first Land Evaluation Committee inspection on 19.06.2012, the petitioner received zero marks for the "availability of power" field. Following a complaint, the respondent appointed Mr. Ram Bahar, Chief Manager, to investigate the issue. On 11.08.2016, Mr. Bahar confirmed that power was available within 65 meters of the petitioner's land meeting the criteria for a Kisan Seva Kendra (KSK) establishment. The second LEC was conducted without clear disclosure of its purpose, raising concerns about the fairness and transparency of the process.

13. A detailed counter affidavit was filed by the respondent IOCL as well as private respondent i.e., respondent No. 7.



14 The respondent, IOCL, filed a parawise reply to the contents of the writ petition in their counter affidavit. In response to the statements made in paragraphs 3, 4, 5, 6, 7, 11, 12, 13(ii), 17, 18, 19, 21 and 22 of the writ application, it is stated that no comments were required. Regarding the statements in paragraph 8, IOCL clarified that based on the complaint a Land Evaluation Committee Inspection of the land offered by Smt. Anjoo Rai was conducted, and the land was declared unsuitable for setting up the Retail Outlet. In reply to the statements in paragraph 9, it is clarified that the marks for the parameter "capability to provide land/infrastructure" were based on the LEC report, and no extra preference was given for owned land as both owned and leased land were treated equally. Additionally, the second ranked candidate has not yet been issued the Letter of Intent, and the Field Verification Committee has not yet conducted inspection, the title search of the land offered by Smt. Bindu Kumar has not been done. In reply to paragraph



10, it is stated that the land valuation certificate was not provided in support of the petitioner's assets, and therefore, the petitioner was awarded "zero" marks for "Fixed and movable assets." In reply to paragraph 13(i), it is stated that during the LEC Inspection, the distance of electricity from the petitioner's plot was recorded as 300 meters, which was acknowledged by the petitioner, while the distance for Smt. Bindu Kumari's land was 100 meters, resulting in higher marks being awarded to her. Regarding paragraph 13(iii), it is stated that the petitioner was awarded only 1 mark for experience as her experience it was not in the retail trade of petroleum products. Her experience in agri-products lacked certification. In response to paragraph 14, it is stated that the claim is false. The certificate issued by Smt. Bindu Kumari's previous employer, an existing IOCL dealer, confirms her association with the dealership from 01.04.2009 to 31.03.2011. The educational certificate dated 23.06.2009 confirms her graduation, and attendance confirmation for the



B.Ed. course was obtained from the concerned institution.

15. In reply to paragraph 15, it is stated by the respondents that the MBA and BA(Hons.) degrees are treated equally for experience marking. In reply to paragraph 16, it is clarified that Smt. Bindu Kumari's Field Verification Committee inspection has not been conducted, and therefore, the documents have not been verified. If any documents are found to be false upon Field Verification Committee, the candidate's candidature shall be cancelled. In response to paragraph 20, it is stated that a re-evaluation by Re-LEC was conducted for the land offered by the petitioner and it was rejected as the land did not abut the main road and was separated by government land.

16. A supplementary counter affidavit was also filed by the respondent IOCL. It is contended by the respondent IOCL that the supplementary counter affidavit was filed by the respondent IOC in pursuance of the Court's order dated 28.03.2019,



wherein IOC was directed to explain the rationale for considering the distance of the land from the nearest electric pole while awarding marks under the head "availability of power." It is contended that following the petitioner's complaint, a fresh inspection of the petitioner's land was conducted by the Land Evaluation Committee on 20.09.2016. The Land Evaluation Committee noted in item 14 of its evaluation report that the electric pole, with one live wire, located 65 meters away. Subsequently, a report dated 05.07.2017 from the Circle Officer, Cheriya Bariyarpur, provided clarification. The Circle Officer stated that, after personally visiting the site with the Halka Karamchari and the Anchal Ameen, it was determined that a separate piece of land lies between the petitioner's land (S.P. No. 106) and the road, meaning the petitioner's land does not abut the road. Instead, government land (S.P. No. 306) lies between the road and the petitioner's land, and the petitioner has no right of way to access the road. As a result, the Technical



Committee re-evaluated the marks previously awarded to the petitioner and published the re-evaluated marks in its report dated 27.07.2017. This report shows that the petitioner was granted eight marks under the head "availability of power," the same as private respondent no. 7. Therefore, no marks for the petitioner were reduced in the re-evaluation. However, based on the Circle Officer's report, the Technical Committee concluded that the petitioner's land does not abut the main road and recommended that the land is unsuitable for the development of the Kisan Seva Kendra Retail Outlet. As stated earlier in paragraph 22 of IOC's counter affidavit, the petitioner's land was rejected upon re-LEC for not abutting the main road. In light of the above, it is submitted by the respondent IOCL that since the petitioner was found ineligible due to the unsuitability of her land, the question of allotting marks is merely academic and should not prevent this Hon'ble Court from dismissing the writ petition.

17. A counter affidavit has also been filed



by respondents Nos. 9 and 10. It is contended in the counter affidavit that this Court, by order dated 02.08.2019, made the State of Bihar, the District Magistrate, Begusarai, and the Circle Officer, Cheria Bariyarpur, respondents Nos. 8, 9, and 10, respectively. The Court directed the Circle Officer to conduct an inspection of the plot in question and submit a report in light of the case presented by the petitioner in her reply to the counter affidavit filed on behalf of respondent No. 3. It is submitted that in compliance with the order dated 02.08.2019 passed by the High Court, the Circle Officer of Cheria Bariyarpur, along with the Amin and Revenue Karamchari, conducted a spot inspection of the land in question. It is further submitted that the Amin measured the land in the presence of the Circle Officer, Cheria Bariyarpur, and found that Khesra No. 306 is located to the north of Khesra No. 306, marked as Gair Majarua. Its current position is Garha, and the Revenue Karamchari reported that the land of Khesra No. 306 is Gair Majarua. Further, based on the



measurements and reports from the Amin and Revenue Karamchari, the Circle Officer, Cheria Bariyarpur, prepared a report regarding the spot inspection of the land. The report indicated that Khesra No. 306, identified as Gair Majarua, is located just north of the petitioner's land. The width of Khesra No. 306 is 10 to 12 feet, and it is currently Garha. The Circle Officer further noted that Khesra No. 306 (Gair Majarua) exists between the petitioner's land (Khesra No. 106) and Khesra No. 386, which is a road. He also recorded that Khesra No. 386 is situated in Mauza Kumbhi, while Khesra No. 106 is located in Mauza Mohanpur. Under the facts and circumstances stated in their counter affidavit, the respondents pray that the instant writ application lacks merit and, therefore, should be dismissed.

18. Heard the Learned counsel for the petitioner, the IOCL, the respondent No. 7 as well as the Learned counsel for the State.

19. During the course of the argument, it was submitted by the learned counsel for the IOCL



that during the pendency of the writ petition, the candidature of private respondent No. 7 was also cancelled after a detailed inquiry. It was further contended by the learned counsel for the IOCL that, in pursuance of the order of this Court dated 20.02.2023, the petitioner filed a detailed representation, and a speaking order was passed by the respondent IOCL on 8th April, 2023. The order of this Court dated 20.02.2023 reads as follows.":

“Heard Mr. Rajiv Ranjan, learned counsel appearing on behalf of the petitioner and Mr. Ankit Katriar, learned counsel for the respondents.

2. Learned counsel appearing on behalf of the petitioner submitted that he has to undergo treatment of his broken arm at PGI, Lucknow and for that he seeks three weeks time.

3. Mr. Ankit Katriar, learned counsel appearing on behalf of the oil company submitted that in the light of order dated 16.12.2022, any allotment to the next candidate in the merit list will be subject to the result of this writ petition.



4. Considering the fact that, at this stage, the learned counsel appearing on behalf of the petitioner submitted that the petitioner is willing to offer another land in accordance with the terms and conditions of the brochure for the relevant period and the said time has elapsed, he seeks liberty to submit representation before the appropriate authority.

5. Considering the specific submission made on behalf of the petitioner that he is ready to offer land as per the requirement in terms of the advertisement, the Divisional Retail Sales Head, Divisional Office, Begusarai is directed to consider the claim of the petitioner and representation so made on behalf of the petitioner within a period of four week.

6. In view of the above submissions made on behalf of the parties, the status quo is directed to be maintained.”

20. Pursuant to the order of this Court dated 20.02.2023, the writ petitioner has filed a detailed representation before the IOCL requesting



to consider his claim, and he also expressed his intention to offer an alternative land in accordance with the requirements set forth in the terms of the advertisement for the position of Divisional Retail Sales Head, Divisional Office, Begusarai. Upon perusal of the order of this Court dated 20.02.2023, it is evident that the learned counsel for the petitioner himself submitted before the Court, that he was willing to offer an alternative land in accordance with the terms and conditions of the brochure, as the initial land offered by him is not feasible for considering the candidature of the petitioner.

21. On perusal of the order dated 08.04.2023 issued by the Divisional Retail Sales Head, Divisional Office, IOCL, Begusarai, it is evident that the initial land offered by the petitioner was found unsuitable for the Kisan Seva Kendra dealership, as the land does not even connect to the main road, with Khesra No. 306 lying between Khesra No. 106 and the road. The said order categorically specifies that the



advertisement for KSK dated 19.08.2011, had a specific clause that “the applicant would have no facility to offer any other land subsequently, if the land initially offered by the applicant is not feasible.” Furthermore, the advertisement dated 19.06.2011 for KSK disclose that “the applicant cannot offer any other land at a subsequent stage”. Therefore, this Court is of the considered view that the respondents have rightly rejected the candidature of the petitioner, for the KSK dealership allotment by IOCL.

22. In view of the aforesaid discussion, the writ petition is devoid of merit and is, therefore dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

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