

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22165 of 2018

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Seeta @ Seeta K Wife of Mithlesh Paswan, resident of Village P.O. Bandhera,
P.S. Pasraha, Distt- Khagaria.

... .. Petitioner/s

Versus

1. The Managing Director Indian Oil Corporation Limited G-9, Ali Yavar Jung Marg Bandra East Mumbai
2. The Chief Area Manager Indian Oil Indane Area Office, Begusari, P.O.- Barauni Oil Refinery, Distt.- Begusarai
3. That Member cum Operation Officer, Indane Area, Officer, Begusari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate
For the Respondent/s : Mr. Amlesh Kumar Verma, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 03-09-2025

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

“ (I) For quashing the letter dated-12-07-2018 (Annexuer-6) issued by the Chief Area Manager, Indane Area Office, Begusari by which candidature of the petitioner for award of L.P.G. distributorships for the location Bandhera, District Khagaria under (S.C.category) has been rejected and the amount of Rs. 20,000/- deposited by the petitioner has been forfeited.

(ii) For a direction to respondent concerned to consider the case of the



petitioner for L.P.G distributorships for the location Bandhera under the District of Khagaria by ignoring the clerical mistake committed by the deed writer with respect of area of the land offered by the petitioner for construction of Godown.

(iii) For direction to respondent to physically verify the area of the land offered by the petitioner for the Godwon after its measurement.

(iv) For any after relief for which petitioner deemed be entitle by this Hon'ble Court."

2. The case of the petitioner, in brief, is that pursuant to an advertisement dated 17-18.06.2017, the petitioner had applied for selection as Gramin LPG Distributor of Indian Oil Corporation Limited (hereinafter called as IOCL) at Location: Bundhera, Gram Panchayat Bundhera, Block Parwatta, District Khagaria. Thereafter, the petitioner was declared a successful candidate in the draw of lots by the IOCL. As directed by the IOCL, she submitted all requisite documents for Field Verification of Credential (hereinafter called



as FVC) and deposited Rs. 20,000/-.

3. It is further submitted that the petitioner's candidature was rejected by the respondents vide letter dated 12.07.2018 (Annexure-6), solely on the ground that the offered land was inadequate, as per Appendix P1A prepared by the FVC committee for the godown.

4. The Learned counsel for the petitioner contended that there was a misunderstanding regarding the size of the land offered. The respondents treated the land as inadequate (less than the required 26 M x 21 M), and directed the petitioner to arrange an alternate land vide letter dated 15.06.2018. In response, the petitioner submitted a representation requesting for re-measurement of the land, stating that the land offered by her was adequate but due to a clerical mistake in the deed the area was mentioned as 3 katha 5 dhur 13 decimals, although the deed also mentioned the correct dimensions (26 M x 21 M) which met the requirements.

5. It is further submitted that the



petitioner's representation was not considered, and without re-measurement, her candidature was rejected and the amount deposited was forfeited vide letter dated 12.07.2018.

6. It was submitted that the respondents committed gross mistake by not taking any step for re-measurement of the land and rejecting the candidature only on frivolous grounds.

7. The rejection was arbitrary, illegal, mala fide and against the Principle of Natural Justice as the respondents did not consider the petitioner's documents regarding the land.

8. A detailed counter affidavit was filed on behalf of the respondent IOCL. The Learned counsel for the Corporation submits that the selection process was governed by the Unified Guidelines for Selection of LPG Distributors (Annexure-2).

9. It is further submitted that Clause 26 of the guidelines clearly states that if any information furnished by the applicant in the application or documents is incorrect or false, the candidature is



liable to be rejected without assigning any reason.

10. It is specifically submitted that after cancellation of the petitioner's candidature, a re-draw was held among the remaining candidates, and one Khushi Kumari was declared successful and a Letter of Intent (for short LOI) was issued to her, and after fulfilling the LOI conditions, an agreement was executed on 31.12.2020, creating third-party rights.

11. It is further argued that the issue involved, i.e., non-compliance with the terms and conditions of the advertisement and brochure, is no longer *res integra* and has been settled by multiple decisions of this Hon'ble Court. Hence, the Corporation is under no legal obligation to issue the Letter of Intent in the petitioner's favour.

12. 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.)**.

13. For better appreciation of the case, 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."*

14. 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."

15. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents and perused the records.

16. 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 offered land that was inadequate as per Appendix P1A prepared by the FVC committee, based on the Unified Guidelines for Selection of LPG Distributors. Hence, the petitioner's candidature was rightly cancelled by the respondents for non-compliance with the required criteria.



17. Therefore, the petitioner cannot claim any right for consideration of his application. This Court finds no error or irregularity in the decision of the respondents in cancelling the candidature of the petitioner.

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

19. In result, Writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.09.2025
Transmission Date	

