

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8903 of 2020

Abhijeet Kumar Son of Gopaljee Prasad Shrivastava, Resident of Mohalla Block Road, P.S. Narkatiaganj, District West Champaran.

... .. Petitioner/s

Versus

1. Hindustan Petroleum Corporation Limited through its Chairman, 17, Jamshedji Tata Road, Mumbai
2. The Senior Regional Manager, Hindustan Petroleum Corporation Limited, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowk, Patna-800001.
3. The Manager (Retail), Hindustan Petroleum Corporation Limited, Retail Regional Office, Harhar Mahadeo Chowk, Begusarai
4. The Deputy Regional Manager (Retail), Hindustan Petroleum Corporation Limited, Retail Regional Officer, Harhar Mahadeo Chowk, Begusarai.
5. The State of Bihar through the District Magistrate, West Champaran at Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amarendra Nath Verma, Advocate
For the Respondent/s	:	M/s Rajeew Prakash Annpurna Prasad, Advocates
For the State	:	Mr. Bijoy Kumar Sinha, AC to AAG V

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 25-04-2025

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

“ a. For issuance of appropriate writ commanding the respondents to give a positive consideration to the petitioner’s candidature for grant of retail petrol-pump dealership for the site 616, i.e., one Km. From Hardiya Chowk on Lauriya Road in West Champaran



district of Bihar since he fulfills all the criteria as also since the said dealership for the site has not been granted to any one till date; to set aside the letter dated 11.02.2020 and also to grant all other reliefs including the cost and compensation to the poor petitioner who has unnecessarily been made to run from pillar to post.”

2. The petitioner has further filed I.A. No. 1 of 2022 for the following reliefs:

“That this interlocutory application is being filed for quashing the order dated 20.05.2020 issued under the signature of Respondent HPCL whereby and whereunder respondent authorities refused to entertain the objection of petitioner with respect to the suitability of the land provided by the petitioner for allotment of retail outlet dealership at advertised location 1 km from Hardiya Chowk on Lauriya Road in West Champaran District of Bihar, by ignoring the admitted fact that Plot No. 204 and 202 also belongs to the same person who has already made the



authorization in favour of petitioner in due format prescribed by respondent authorities and further ignored the fact that State of Bihar had already acquired the said plot for widening of the road. Consequently Plot No. 204 and 205 amalgamated together, touched the boundary of the road and fulfilled the required specification of land mentioned in the advertisement for awarding dealership but to the utter surprise of the petitioner that respondent authorities rejected his claim on the ground that petitioner has not disclosed the status of plot No. 202 and further not mentioned about Plot No. 204 in the application form.”

3. In nutshell, the contents are that the petitioner applied online on 24.12.2018 vide application form No. 15456347524238, pursuant to Advertisement dated 25.11.2018 for appointment of Petrol pump dealership under Group III, 616 R.O. Rural DC for the site one Km from Hardiya Chowk on Lauriya Road in West Champaran district of Bihar, under open category. However, the petitioner left the column related to land details



unfilled i.e. Column – 13.

4. It is submitted by the petitioner that he received a letter dated 18.06.2019, whereby he was directed to submit his proposal to provide a suitable plot of land through the online portal within three months from the date of letter. Accordingly, the petitioner filled up column 13 after the portal was opened on 11.09.2019 and he was moved to Group-2. In column-13, he filled up only Plot No. 205. It is further submitted by the petitioner that, due to mistake / oversight, plot No. 204 was not filled up in the application and he immediately, thereafter, contacted the office of Hindustan Petroleum over the telephone for rectification of error, however, the office of the respondent Hindustan Petroleum Corporation Ltd. assured him that such mistake shall be rectified under Note-3 of Column V (Land) and he may present the document relating for inclusion of Plot No. 204. It is further submitted that on assurance, petitioner kept ready all documents to be presented at the time of spot verification. In the



meantime, he was served with a letter vide Reference No. 15456347524238 dated 30.12.2019.

5. It is further submitted by the petitioner that he deposited the hard copy of all documents including initial security deposit of Rs. 40,000/-. It is further submitted that the petitioner had submitted a notarized affidavit of land holder dated 11.09.19 in respect of Plot Nos. 204 and 205. However, the authority demanded a copy of the notarized affidavit dated 09.09.2019 which related only to plot No. 205. The petitioner also handed over both original copies of notarized affidavit in good faith. The petitioner also submitted an advocate's report in respect of plot Nos. 204 and 205 issued on 11.09.2019 and in respect of Plot No. 205 issued on 10.09.2019. The date of spot verification was fixed on 07.02.2020 and petitioner was communicated through an online uploaded letter dated 27.01.2020 from the head of Regional office of Corporation.

6. It is also submitted that the petitioner received a letter dated 11.02.2020 from the



Corporation intimating that the petitioner was not found eligible for allotment of dealership of Petrol Pump. Further the letter stated that if he had any grievance, he may make a representation within 10 days, from the date of letter. Accordingly, the petitioner made a representation on 20.02.2020 (Annexure-9) categorically stating therein that he has already obtained the authorization letter of land owner in respect of both plot i.e., Plot Nos. 204 and 205 and he also clarified the Plot No. 202, situated in front of the plot had already been acquired by State in Land acquisition Case No. 17/1960-61 for road purpose and also annexed the supporting document which was handed over to the Corporation.

7. The Learned counsel for the petitioner submitted that since petitioner did not receive any reply, he uploaded an online application on 19.03.2020 (Annexure-10) stating all details about acquired plot, its location, area and its abutment to the road. Petitioner again sent a detailed



representation dated 16.05.2020 (Annexure-11) to the Marketing Head of Hindustan Petroleum Corporation by annexing all documents. Thereafter, the petitioner received a reply on 02.06.2020 containing a letter dated 20.05.2020 whereby the respondent Corporation refused to consider the grievance and contention of the petitioner.

8. The Learned counsel for the petitioner further submitted that the petitioner sent another representation to the Corporation on 03.06.2020 (Annexure-13) categorically stating therein that the ground of rejection of application of petitioner is based on incorrect fact as he has been equipped with the document regarding acquisition of Plot No. 202 in LA Case No. 17/1960-61 and he also explained the width in front of proposed location and, thus, there was no impediment in granting dealership of petrol pump. It is further submitted that during the pendency of writ petition, the petitioner received a phone call from the office of Hindustan Petroleum Corporation who asking him



to be present, at the offered location. However, again they refused to take into consideration the plot No. 204 is already an acquired plot, thus, plot No. 205 was on the flank of road, however, some part of plot No. 204 fell within plot No. 205 and road, again they did not waive all the objection and also did not communicate to the petitioner any letter, but brought on record Annexure-A/4 Series where they showed their objection regarding plot No. 204. The petitioner was also asked by the authority to share his experience and the process of measurement going on and accordingly, petitioner uploaded his experience on 01.04.2021 (Annexure-15).

9. The Learned counsel for the petitioner further contended that, during the pendency of writ petition, Hon'ble Court was pleased to sought a report from the Circle office regarding the location, area and position of plot which was submitted with affidavit vide Measurement Case No. 24/2020-21 (Annexure-16).

10. The Learned counsel for the petitioner



lastly submitted that the petitioner sought relief for positive consideration of his candidature for grant of retail petrol pump dealership for the site 616 ie, 1 Km, from Hardiya Chowk on Lauriya road in West Champaran as he fulfilled all required criteria and also sought relief for quashing of letter dated 11.02.2020 whereby his candidature was rejected and further he amended the prayer in I.A. No. 01/2022 seeking quashing of letter dated 20.05.2020 whereby respondent refused to entertain the objection raised by petitioner.

11. A detailed counter affidavit was filed on behalf of the respondent Hindustan Petroleum Corporation Ltd. The Respondent Corporation raised a preliminary objection with regard to maintainability of this Writ petition on the ground that it is not maintainable, due to admitted laches in submitting the online Application-form and offering alternate land by the writ petitioner for selection of a retail outlet dealership. This fact is also admitted by the writ petitioner himself in para-11 at page 7 of the writ petition and the



alleged defect is not a rectifiable defect in any manner as per the norms laid down. Further, in view of the fact that the Application form was submitted by the writ petitioner in a very casual manner and not in accordance with the terms and conditions prescribed in the advertisement and application Brochure, the writ petition is fit and liable to be dismissed.

12. It is averred by the Respondent Corporation in the counter affidavit that the admitted laches on part of the writ petitioner were acknowledged by himself as per his Application form, offered unsuitable land, ignoring the instructions mentioned in Annexure-1/Advertisement notice issued by the respondent Corporation, whereby the all applicants were specifically, advised to go through the Brochure carefully before submitting Application-form, hence the alleged defect in the Application form with regard to offered land is not fit to be rectified, after the Technical Evaluation team found the land unsuitable during technical evolution of the land,



which was conducted to ascertain the suitability of the land as per prescribed norms, and in accordance with the terms and conditions of the brochure i.e the Dealer Selection Guidelines of the respondent Corporation.

13. The Learned counsel for the respondent Corporation submitted that in view of above, no cogent cause of action is available against respondent Corporation nor does the petitioner possess any legal right to challenge the selection procedure after having participated in the same, hence, the writ petition is fit to be dismissed.

14. It is further contended by the Learned counsel for the Corporation that the writ petitioner also suppressed material facts, by not disclosing that the online complaint dated 16.05.2020 made by him, which was disposed off by the respondent Corporation and was communicated vide letter dated 20.05.2020, through registered post, whereby the claim of petitioner was rejected. The said reasoned order has not been challenged in



the present writ petition, hence, the petitioner is not entitled for relief as sought for in the writ petition, due to suppression of material fact. It is further submitted that the petitioner neither possess any legal right nor *locus standi* to maintain this writ petition, nor does have any cause of action.

15. The Learned counsel for the Corporation further submitted that the status of the petitioner is merely that of an unsuccessful applicant, eliminated from the selection procedure in Group-2, for not fulfilling one of the most important norms of selection of not having suitable land with advertised required minimum dimension of the offered land in advertised location, as the offered land was not abutting the Road, and hence, the petitioner's candidature was rejected by the respondents in Hindustan Petroleum Corporation Limited in accordance with the guidelines and no arbitrary action as alleged in the writ petition.

16. The Learned counsel for the respondent Corporation submitted that the



petitioner's land was rejected by the Technical Evolution committee in terms of "Clause 4V(1)" of the Dealer selection guidelines as contained in the 2018 brochure, as given hereunder-

"4V(I) It should be the responsibility of the applicant to ensure that as on date of application:-

i. Offered land is of required dimension and abutting the Road boundary, after leaving Right of way (ROW) line of the road.

ii. The offered land is also not notified for acquisition.

iii). Land owner is in possession of the land from the beginning/edge of ROW of line.

iv). There is no other land including government land between ROW and offered plot.

Note: In case it is found at later stage that the offered plot is not meeting any of the above conditions then in such case the offered land would be rejected and the candidate will be given opportunity along with applicants under Group-3 by intimation through SMS/email."



17. It is submitted by the Learned counsel for the respondent Corporation that, in view of the fact that the petitioner's offered land was rejected for not having prescribed norms as the offered land has less dimensions, hence the petitioner is not entitled to be selected by ignoring the findings of the Land Evaluation Committee as well as laid down norms of Dealer Selection Guidelines, of the respondent Corporation.

18. The Learned counsel for the respondents also refers Clause 14H of the Dealer selection guidelines in order to support of the case of Corporation. The Clause-14 H defines the Land Evolution procedure with respect to offered land, which is as follows:-

"14.H. Land Evaluation:

Evolution of the offered land will be carried out to ascertain land being in advertised area and suitable for development of RO- meeting norms. The parameters under which land will be evaluated by Land Evaluation Committee for suitability are:-

Land in advertised area/stretch



Land dimension as per requirement

Land meets NHAI norms (for site on NH)

Land has no HT line(>11KVA) crossing.

Land not meeting any of the above parameters will not be considered and will be rejected.

Note: Offered land should have minimum frontage & area as specified in advertisement. Minimum depth perpendicular to the frontage at least one place, should be available as specified in advertisement."

19. It is submitted that, in view of the above the writ petitioner is not entitled to be selected by ignoring the finding of the Technical Evaluation Committee, of the respondent Corporation.

20. The Learned counsel for the respondent Corporation submitted that in the advertisement dated 24.11.2018,(Annexure R/4A) it was specifically mentioned under the column-8 i.e, "Minimum Dimension (in Meter) Area of Site (in



sq.meter) location", about dimension of land. Accordingly, a frontage area of 35 meters depth, area i.e 1225 sq. meters after leaving Right of Way (ROW) is required by respondent Corporation in the advertised location bearing SR. No. 616. Further, the advertisement clearly denotes in bold black letters that the Dealer Selection Guidelines Brochure 2018 must be downloaded from the Website and read thoroughly to understand all terms and conditions of selection before submitting the application form and last date for submitting was 24.12.2018. However, the applicant failed to follow those instructions, resulting in cancellation of his selection and hence it is not arbitrary.

21. The Learned counsel for the respondent Corporation submitted that in view of the above, there is no infirmity in rejection of petitioner's offered land by the respondent Corporation. The offered land does not meet the advertised dimensions, as per the report submitted by the Technical Evaluation Committee. The



offered land was found unsuitable and since suitability of land as per prescribed norms is one of the most important criteria selection cannot be made nor a letter of intent be issued without fulfilling those criteria. Further, it is submitted that there is no infirmity either in the selection process or in the rejection of offered land by the respondent Corporation in light of the Technical Evaluation Committee report. Hence, the writ petition is devoid of merit and liable to be dismissed.

22. In support of the case of the respondent Corporation, the Learned counsel has relied 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.)**.

23. The respondent Corporation by filing



supplementary counter affidavit brought on record the fact that, against the advertisement in question, total seven (7) applicants including the petitioner had applied for selection of a retail outlet dealership and the selection process was conducted as per the guidelines. However, during the entire selection process, no applicant was found eligible, at different stages of selection process, including the Writ petitioner, who was given full opportunity. As per the guidelines, the location “within 1km from Hardiya Chowk on Lauria Narkatigaj Road toward Lauria, District West Champaran” was considered closed as of 29.02.2020 without selecting any candidate. Thus, the location was considered as closed without any selection i.e., nil selection w.e.f. 29.09.2020 by the respondent Corporation. It is also submitted that the Writ petition was filed by the writ petitioner on 10th November, 2020, and the respondent Corporation filed its counter affidavit on merits on 06.04.2021. However, the fact that location was considered closed without any selection i.e. nil



selection w.e.f. 29.09.2020 was inadvertently not placed on record earlier by the respondents.

24. A counter affidavit has also been filed on behalf of the respondent No. 5.

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

26. The Learned counsel for the respondent Hindustan Petroleum Corporation Limited submitted that the terms and conditions of the advertisement, the brochure and the requirement of the documents as per the settled guidelines were not adduced by the petitioner, hence the dealership could not be awarded to the petitioner. Similar issues were been settled by the Division Bench of this Court in **2012 (2) PLJR 783** and **2019(3) PLJR 1042 (supra)**.

27. For better appreciation of the case, the observations made by the Hon'ble Division Bench in **2012 (2) PLJR 783 (supra)** is 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.”

28. Further the Hon’ble Division Bench of this Court in **2019(3) PLJR 1042** 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."

29. In light of the legal proposition 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, 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 through his application form, offered unsuitable land, which was rejected by the Technical Evaluation Committee in terms of "Clause 4V(I) to the Dealer Selection Guidelines contained in the 2018 brochure. The 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.

30. Therefore, the petitioner cannot claim any right for consideration of his application. This Court finds no error or irregularity in the issuance of the letter dated 11.02.2020 (Annexure-P/6) and order dated 20.05.2020 (Annexure-P/8) nor in the decision of the respondents not to grant the Letter of Intent to the petitioner.

31. It is also relevant to mention here that the respondent Corporation by filing



supplementary counter affidavit has brought on record that against the advertisement and the location in question for the Retail Outlet Dealership, no applicants including the petitioner was found eligible at various stages of selection process despite the petitioner having been given full opportunity in that regard. Consequently, the location was considered as closed since 29.02.2020 and no candidate was selected for the location.

32. In view of the above discussion, this Court is of the considerable view that the Writ petition is liable to be dismissed, as it is devoid of merits.

33. In result, Writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2025
Transmission Date	

