

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18186 of 2018

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Misha Kumari Daughter of Ramvilas Prasad Yadav, Resident of Village-Gola Pakariya, Tola Fatehpur, P.O. Majirawa Via Bhelwa Vircle, P.S. Lakhaura, District East Champaran.

... .. Petitioner/s

Versus

1. Bharat Petroleum Corporation Limited at Bharat Bhawan, 4 and 6 Currmbhoy Road, Ballard Estate, Mumbai - 400001
2. Bharat Petroleum Corporation Limited, Through its Regional Office in Golf Green, Kolkata.
3. Territory Manager, Bharat Petroleum Corporation Limited, Village Sherpur, P.O. MIC Bela, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 21-08-2025

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

“ a) For issuance of a writ in the nature of certiorari for quashing the Letter dated 14-8-2018 (Annexure 6) passed under the signature of Territory Manager, B.P.C.L., Muzaffarpur LPG Territory (respondent no.3), by which the petitioner's candidature for Gramin LPG Distributorship at Andhara-Latiahi, Gram Panchayat Andhara, block Adapur, district East Champaran has been rejected on the ground that the



information furnished by the petitioner in her application form is incorrect and at variance on account of offered land for godown and showroom.

(b) For issuance of a writ in the nature of mandamus directing the respondent authorities to issue letter of allotment for Gramin LPG Distributorship at Andhara Latiahi, Gram Panchayat Andhara, block Adapur, district East Champaran in favour of the petitioner after quashing the impugned letter dated 14-8-2018.

(c) For any other relief or reliefs for which the petitioner is entitled under the law in the facts and circumstances of this case."

2.The case of the petitioner, in brief, is that pursuant to an advertisement dated 17.06.2017, for selection as Gramin LPG Distributor of Bharat Petroleum Corporation Limited (BPCL) at Location: Andhara-Latiahi, Gram Panchayat Andhara, Block Adapur, District East Champaran, the petitioner has preferred his application. Thereafter, the



petitioner was declared a successful candidate in the draw of lots conducted on 10.01.2018 by the Corporation. As directed by the Corporation, she submitted all requisite documents for verification.

3. It is further submitted that the petitioner's candidature was rejected by the respondents vide letter dated 14.08.2018 (Annexure-6), solely on the ground of discrepancy in the **Khata** and **Khesra** numbers mentioned in the lease deed for the land offered for the godown and showroom.

4. The Learned counsel for the petitioner contended that the mistake was inadvertent and the correct Khata and Khesra details were subsequently brought to the notice of the Corporation. A Rectification Deed was also submitted to cure the defect.

5. It is submitted that the petitioner's candidature ought not to have been rejected for a curable technical error, particularly when no mala fide intent or suppression has been established.

6. The respondent Corporation arbitrarily,



illegally, cancelled the petitioner's candidature by order dated 14.08.2018, without considering the documents submitted by the petitioner regarding the land for distributorship.

7. A detailed counter affidavit was filed on behalf of the respondent Corporation. The Learned counsel for the Corporation submits that the selection process was governed by the Unified Guidelines for Selection of LPG Distributors dated June, 2017.

8. It is contended by the Learned counsel for the Corporation that Clause 26 of the guidelines clearly stipulates that if any information furnished by the applicant in the application form or any other document is found to be incorrect or false, the candidature is liable to be rejected without assigning any reason.

9. It is further submitted that although the petitioner was declared successful in the draw of lots, the details furnished in the application form and lease deed were found to be incorrect during Field Verification of Credentials (FVC). It is also



submitted that the petitioner's land details were wrongly mentioned not only in the application form, but also in the original lease deed. The subsequent Rectification Deed, according to the respondents, cannot cure the initial defect, as per the settled procedure.

10. 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.

11. 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.).

12. 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."*

13. 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.”

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

15. 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 through his application form, offered unsuitable land for LPG distributorship based on the selection criteria stipulated in the Unified Guidelines for Selection of LPG Distributors - June 2017, which was rightly cancelled by the respondents.

16. 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.

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

18. In result, Writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2025
Transmission Date	

