

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19675 of 2018

Rashmi Priyadarshini @ Rashmi Sinha Wife of Shri Ashok Kumar Sinha, presently Resident of Flat No. 517, Block- D. Jyotipuram Apartment, Near Kanak Hyundai Showroom, Mohalla- Jagdeo Path Crossing, P.O.-B.V. College, P.S.- Hawaii Adda, Dist.- Patna, Permanently Resides at Flat No.- 4/1, Texas Aastha, High Tech City, P.O.- Sonari, P.S. Jamshedpur, at Jamsedpur, Dist- Purbi Sighbhum Jharkhand.

... .. Petitioner/s

Versus

1. Union Of India through Petroleum Secretary, Ministry of Petroleum & Natural Gas, Shashtri Bhawan, New Delhi - 110001
2. Bharat Petroleum Corporation Limited through Managing Director, Bharat Bhawan, 4 and 6 Currimbhoy Road Ballard Estate, Mumbai - 400001
3. Territory Manager Bharat Petroleum Corporation Limited, Patna LPG Territory and Bottling Plant Fatuha Industrial Area, Mauza – Raipura P.O. & P.S. Fatuha, District Patna - 803201
4. Field Vertical Credential, Bharat Petroleum Corporation Limited, Fatuha Industrial Area, Mauza- Raipura, P.O. & P.S. Fatuha, Dist Patna 803201
5. The District Magistrate, Patna, Bihar.
6. The Circle Officer, Masaudhi, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Advocate
For the BPCL	:	M/s Siddhartha Prasad Om Prakash, Advocates
For the Respondent/s	:	Mr. Arvind Ujjwal- SC 4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 18-08-2025

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

“ That this application is being filed for issuance of an appropriate writ/writs, direction/direction to the respondents authorities and for quashing the Letter No- LPG.ER.PATN.6.BHADURA dated



04/08/2018 issued under signature of Res. No-3 by which candidature of the petitioner for Gramin L.P.G. distributorship at Bhadaura, Block Masaudhi under district of Patna, has been cancelled on the ground that the land offer by him is not in advertise area."

2. The case of the petitioner, in brief, is that pursuant to an advertisement dated 18.06.2017 issued by Bharat Petroleum Corporation Limited for the award of an LPG Distributorship at Bhadaura, District Patna, under the "OPEN" category, the petitioner submitted an application along with all requisite documents, bearing Serial No. BPC03205080817072017.

3. It is submitted that a draw of lots was conducted on 17.11.2017 in respect of the said location, wherein the petitioner was declared successful and was informed through e-mail dated 18.11.2017. Thereafter, the petitioner was advised to deposit an amount of Rs. 40,000/- and to submit necessary documents for verification of the



proposed land for LPG godown and other credentials. It is also submitted that subsequently, the Assistant Manager (Sales), Patna LPG Territory, BPCL, issued a letter bearing No. PT: GV/Bhadaura/17-18/01 dated 27.04.2018 to the Circle Officer, Masaudhi, seeking verification of the proposed land. In response, the Circle Officer, Masaudhi, issued a letter dated 08.05.2018 confirming that the land offered by the petitioner situated under Khata No. 195, Khesra No. 49, Mauza Bhadaura, Anchal Masaudhi, District Patna, was indeed located within the said jurisdiction.

4. The Learned counsel for the petitioner submitted that in compliance with the requirements the petitioner deposited the sum of Rs. 40,000/- within the stipulated period. Thereafter, a team from BPCL subsequently visited the proposed site for verification. It is further submitted that during the site visit, certain officials of BPCL allegedly made illegal monetary demands, which the petitioner declined. Thereafter, vide letter dated 09.01.2018, followed



by a reminder dated 13.07.2018 was issued to the petitioner directing to provide an alternate land for the showroom, despite the fact that the land earlier proposed was already verified and confirmed by the competent revenue authority.

5. The Learned counsel for the petitioner submitted that a reply to the aforesaid communications was submitted on 17.07.2018, clarifying that the land earlier proposed was valid and already approved for the intended purpose. However, without considering the facts and circumstances of the case, the respondent authorities proceeded to cancel the petitioner's candidature for the LPG distributorship.

6. It is further submitted that the said cancellation was effected through Letter No. LPG.ER.PATN.6.BHADAURA dated 04.08.2018 (Annexure-1), issued by Respondent No. 3, wherein the petitioner's candidature for the Gramin LPG Distributorship at Bhadaura Gram Panchayat, Block Masaudhi, District Patna, was cancelled.

7. It is lastly submitted that the impugned



cancellation order is illegal, arbitrary, passed without any cogent reason, and influenced by extraneous considerations and political pressure.

8. Heard the Learned counsel for the petitioner as well as the respondents and perused the record.

9. At the outset, the Learned counsel for the respondents Bharat Petroleum Corporation Limited submitted that, on perusal of Annexure-1, it appears that after full consideration of the documents, the respondents had rejected the candidature of the petitioner.

10. For better appreciation of the case, the relevant part of the Annexure-1, is reproduced as follows:

“Upon receipt of FVC fee and documents, FVC was carried out by FVC team. The accuracy of the details/ data given in the application form were verified during the field verification by FVC committee and the following information/detail is found to be at variance:-

You had offered land for



construction of LPG Showroom vide Khesra / Survey No. 49 which is situated at Dighwan Mahdevpur, Gram Panchayat-Bhadaura, PS. Masaurhi, Dist. Patna not in the advertised location i.e. Bhadaura. Hence, this land for showroom is not suitable for construction of showroom as per Brochure on Unified Guidelines for Selection of LPG Distributors; Sheheri Vitrak, Rurban Vitrak, Gramin Vitrak And Durgam Kshetriya Vitrak- June 2017.

Therefore, as per provisions of point no. 8 A of Brochure on Unified Guidelines for Selection of LPG Distributors Shehri Vitrak, Rurban Vitrak, Gramin Vitrak and Durgam Kshetriya Vitrak June 2017, FVC team had requested you to provide alternate suitable land for LPG showroom at the advertised location Bhadaura as on the last date for submission of application i.e. 14.08.2017. You vide your reply 17.07.2018 had sought permission to buy a fresh piece of land instead of registered leased Deed. Thus, you do not have any alternate suitable land/shop for LPG showroom at the advertised location i.e. at Bhadaura.

In view of the above, your



candidature is hereby rejected and the amount of FVC Fee of Rs.40,000/- deposited with the Corporation stands forfeited in line with clause no. 26 of BROCHURE ON UNIFIED GUIDELINES FOR SELECTION OF LPG DISTRIBUTORS Sheheri Vitrak, Rurban Vitrak, Gramin Vitrak And Durgam Kshetriya Vitrak June 2017.”

11. Further, the Learned counsel for the respondents submitted that the issue involved in the present case, i.e., the non-compliance by the applicants with the terms and conditions of the advertisement, the brochure, and the requirement of documents. As per the settled guidelines, has already been set at rest by a catena of decisions rendered by this Court. It was contended that, in view of such non-compliance, the candidature of the petitioner has been cancelled.

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. 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. 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 her application form, offered unsuitable land for retail outlet dealership based on the selection criteria stipulated in the Unified Guidelines for Selection of Dealership, which was rightly rejected by the respondents.

16. Therefore, the petitioner cannot claim any right for consideration of her application. This Court finds no error or irregularity in the decision of the respondents in issuing rejection letter



(Annexure-1) to 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	02.09.2025
Transmission Date	

