

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11972 of 2018

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Anupma Devi Wife of Umesh Kumar, Resident of Mohalla- Sri Tola, P.S.-
Ara Nawadah, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Department of Petroleum and Chemical Supplies, New Delhi
2. The Secretary, Department of Petroleum and Chemical Supplies, New Delhi.
3. Indian Oil Corporation Ltd.
4. The Managing Director-cum-Chairman, Indian Oil Corporation, Office at New Delhi.
5. The Chief Divisional Sales Manager, Indian Oil Corporation Ltd., Patna Division, Block-C, Maurya Lok Dakbunglow Road, Patna
6. The Deputy Manager R.S. Indian Oil Corporation Ltd., Patna Division, Maurya Lok, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr.C.G.C. Mr. R.K.Sharma, C.G.C. Mr. Lokesh, Advocate
For IOC	:	Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 12-08-2025

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

“ For issuance of a Writ of Mandamus or any other appropriate Writ, commanding the respondents, particularly to the Respondent No. 4 (Chief Divisional Sales Manager, Indian Oil Corporation Ltd., Patna Division) to



grant License of Retail Sales Out Let, appointing her dealer of Retail Sales Out Let in Scheduled Caste Category on NH 84 (Ara Buxar Road) within 5 KM from Ara Town Locality.

That the petitioner also prays to quash the order dated 01.10.2016, issued by the Office of respondent No. 4 (Chief Divisional Sales Manager, Indian Oil Corporation Ltd., Patna Division) and also to quash the order dated 12.03.2018, issued by the Respondent No. 5 (Dey. Chief Manager (R.S.), Patna Division). By both the letters, it has been communicated to the petitioner that the Land Offered is outside advertised are so not suitable for development of retail outlet."

2. In nutshell, the contents of the Writ petition are that the petitioner submitted an application form with the requisite documents on 18.07.2017 for a retail outlet of Indian Oil Corporation under SC category at location NH-84 (Ara-Buxar Road), in response to an advertisement dated 26.10.2014 issued by the Indian Oil Corporation Ltd. (IOCL). The application of the



petitioner was rejected vide order dated 01.10.2016 (Annexure-P/1) without assigning sufficient reasoning.

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

4. At the outset, the Learned counsel for the respondents Indian Oil Corporation submitted that, on perusal of Annexure-P/1, it appears that after full consideration of the documents, the respondents had rejected the candidature of the petitioner.

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

"We regret to inform you that your candidature has not been found to be eligible for RO dealership as,

"Land is outside advertised area so not suitable for development of retail outlet"

6. Further the respondent drawn attention of this Court towards Committee Investigation



Report (Annexure-R/3). The relevant part of the Annexure-R/3, is reproduced as follows:

“2. Committee Observation & Recommendation:

Committee examined the representation received from the applicant and visited the offered plot on 16.03.2017. Applicant was informed in advance about visit of committee. During visit applicant along with her family members were present. Committee had interacted with applicant and discussed in detail about her complaint.

On perusal, it was observed that the offered plot of applicant is situated between KM stone 8 & 9 of NH-84. It was also observed that there is intersection with road at a distance of 120 m on the same side of offered plot and there is a BPC RO at a distance of 270 m on opposite side of offered plot which is not in line with NHAI norms.

So the offered plot by applicant Smt. Anupama Devi is not only outside advertised area but also not meeting NHAI norms.

Hence, rejection of candidature by LEC due to not fulfilling minimum criteria of selection is acceptable.”



7. 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.

8. 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.)**.

9. 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.”

10. 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."

11. 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.

12. 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-P1) to the petitioner.

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

14. In result, Writ petition is dismissed.

15. Interlocutory Application(s), if any,



shall stand disposed of.

(G. Anupama Chakravarthy, J)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2025
Transmission Date	

