

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16163 of 2017

Prabhakar Kumar Son of Anil Kumar Singh, resident of Village- Chamraha,
P.O.- Torni, P.S.- Sheosagar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Petroleum and Natural Gas, Govt. of India, New Delhi
2. The Chairman/Managing Director, Indian Oil Corporation Limited, Registered office-G-9, Ali Awar Jung Marg, Bandra (East), Mumbai - 500051
3. The Incharge/Head Indian Oil Corporation Bihar State Office- Lok Nayak Jai Prakash Bhawan, 5th Floor, Dakbungalow Chowk, Patna - 80001
4. The Divisional Manager, Indian Oil Corporation Limited, Block- A, 3rd Floor, Maurya Lok Complex, Dakbungalow Chowk, Patna - 80001
5. Chief Divisional Retail Sales Manager, Patna Divisional office, Indian Oil Corporation Limited, Block-A, 3rd Floor, Maurya Lok Complex, Dak Banglow Road, Patna - 800001
6. Dy. General Manager Retail Sales, Indian Oil Corporation Limited, Block-A, 3rd Floor, Maurya Lok Complex, Dak Banglow Road, Patna - 800001
7. The Authority Concerned, Indian Oil Corporation Limited, Block- A, 3rd Floor, Maurya Lok Complex, Dak Banglow Road, Patna - 800001
8. The State of Bihar through the District Magistrate, Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Kislay, Advocate
For the Indian Oil	:	Mr. Ankit Katriar, Advocate
For the State	:	Mr. S.Raza Ahmad -AAG 5

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 10-07-2025

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

“ For quashing / setting aside the order contained in letter vide Ref. No. PDO / KSK / 148 / 2 dated 21.09.2017 (Anx:-5) issued under the signature of the



respondent no. 6, i.e. the Dy. General Manager (Retail Sales) whereby & where under the application of the petitioner has been rejected without following the facts and circumstances of the case.

ii. To hold and declare the claim of the petitioner as bonafide, correct and legal and allot the assigned work in question to the petitioner.

iii. For grant of any other relief or reliefs, if the petitioner is found entitled to.”

2. The case of the petitioner in brief is that he applied for the dealership of a Kisan Seva Kendra Retail Outlet dealership at a location Chamraha (Sr. No. 148) in Rohtas District as advertised by the respondent Indian Oil Corporation Limited (hereinafter referred to as “the IOCL”) on 22.10.2014. The petitioner was selected in draw of lot for the aforesaid dealership. However, vide letter dated 21.9.2017 (Annexure-5) the petitioner was informed that his candidature was not found eligible for the KSK



dealership on the ground that *“The fund available as on date of affidavit (19.11.2014) is only Rs. 1,837/-, which is less than minimum required fund of Rs. 12 Lakh”*.

3. Heard the Learned counsel for the parties and perused the records.

4. The respondent Indian Oil Corporation has brought on record the photocopy of the petitioner’s application and the photocopy of the petitioner’s affidavit dated 19.11.2014 (Annexure R/1 and R/2 respectively to the supplementary counter affidavit).

5. In Item No. 10 of the application form, the petitioner had declared an amount of Rs. 13,51,577/- as the funds available in his savings bank account, as on the date of the affidavit. However, from perusal of Annexure-6 to the writ petition, it is evident that the actual balance in the petitioner’s savings account was only Rs. 1,837/-.

6. It is, thus, clear that there was variance in the amount declared by the petitioner in his application and the actual amount available



in his account, on the date of the affidavit. The entry made in the application form was found factually incorrect.

7. Learned counsel for the respondent-IOCL submitted that the discrepancy in the funds was admitted by the petitioner himself through the documents produced, and that the petitioner had ignored the specific instructions mentioned in the advertisement and the brochure issued by the Corporation, which advised all applicants to carefully verify and adhere to the requirements before submitting their application forms.

8. It was further submitted that the defect in the application, particularly relating the misstatement of available funds, is fundamental in nature and not capable of rectification at a later stage. The availability of requisite funds as on the date of affidavit was an essential eligibility criterion, and the petitioner having failed to meet the same, cannot claim any right to dealership

9. 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.)**.

10. The Learned counsel for the respondents submitted that the terms and conditions of the advertisement, the Brochure and the requirement of documents as per the settled guidelines were not complied with by the petitioner. Hence the dealership could not be awarded. Similar issues have already been settled by the Division Bench of this Court in **2012 (2) PLJR 783** and **2019(3) PLJR 1042 (supra)**.

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

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

13. 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. 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 an unsuitable amount, which was rightly rejected by the respondents. Admittedly, the petitioner failed to show Rs. 12,00,000/- in his bank account as on the date of filing the application, which is evident by Annexures R/1 and R/2.

14. 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 21.09.2017 (Annexure-5 of the Writ petition) by which the candidature of the petitioner for Kisan Seva Kendra Retail Outlet dealership at location Chamraha (Sr. No. 148) in Rohtas District was rejected, nor in the decision of the respondents not to grant the Letter of Intent to the petitioner.

15. 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.

16. Accordingly, Writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2025
Transmission Date	

