

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1475 of 2018

Smt. Janaki Ranjan Yadav Wife of Shri Priya Ranjan Yadav, Permanent Resident of Village-P.O.-Jaijore P.S.-Andar, District-Siwan, resident at Hasanpura, P.O.-Hasanpura, P.S.-M.H. Nagar, Prakhanda-Hasanpura, District-Siwan.

... .. Petitioner/s

Versus

1. The Union of India
2. The Managing Director, Indian Oil Corporation Ltd., Ist Floor, Shahi Bhawan Exhibition Road, Patna- 800001
3. The Deputy Managing Director, IOCL, Ist Floor, Shahi Bhawan, Exhibition Road, Patna-800001.
4. The General Manager, LPG-S, Patna Ao, IOCL 5th Floor, Lok Nayak Jay Prakash Bhawan, Dak Bunglow Ch
5. The Deputy General Manager LPG-S, Patna-AO, IOCL, First Floor, Shahi Bhawan, Exhibition Road, Patna
6. Chief Area Manager, Patna Ao, Indian Oil Corporation Ltd. Ist Floor, Shahi Bhawan, Exhibition Road,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Dr. Umashankar Prasad, Sr. Advocate Kamala Kant Tiwary, Advocate
For the UOI	:	Dr. K.N.Singh, ASG
For the IOCL	:	Mr. Ankit Katriar

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 25-07-2025

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

“(i) For quashing the order dated 3.10.2017 and 4.12.2017 (Annexure-10 and 10(1)) issued under the Signature of DGM (LPG- S), Patna AO, IOCL, whereby and whereunder the petitioner's application for Award of



Rajiv Gandhi Gramin LPG (RGGLV) Distributionship at Hasanpura, District-Siwan under open category (Application serial no. PAT-245-08) advertised on 17.10.2009, cancelling the candidature of the petitioner by the respondents IOCL, Patna.

(II) be pleased to direct the competent authority of IOCL to select the petitioner for such scheme of the RGGLV Distributionship, issued under the Advertisement dated 17.10.2009, as the petitioner fulfilled all the norms and conditions as per advertisement.

(III) be further pleased to stop the further process of selection under the said scheme during pendency of the writ application.

(IV) be pleased to pass any such other order or orders as your Lordships may deem fit and proper for the ends of justice."

2. The brief facts of the case is that the petitioner made an application on 24.11.2009, pursuant to an Advertisement dated 17.10.2009 for appointment under Rajiv Gandhi Gramin LPG Vitrak Scheme under the open category at



Hasanpura in the district of Siwan.

3. It is submitted by the Learned counsel for the petitioner that during scrutiny, an objection was raised by the respondents on 13.01.2010 regarding the petitioner's residence certificate for which the petitioner obtained a fresh residence certificate issued by the concerned Circle Officer on 29.01.2010, confirming her residence within the advertised location and submitted the same to the respondents. Consequently, she was declared eligible to participate in the draw of lot.

4. The Learned counsel for the petitioner further submits that the petitioner participated in multiple draws held from 2010 to 2014. In the fourth draw conducted on 28.06.2014, she was declared the winner. Subsequently, the respondents conducted a verification of the petitioner's land documents and raised an objection regarding the lease period of 15 years for the land offered by the petitioner, thereby demanding alternate land documents.

5. It is the contention of the Learned



counsel for the petitioner that despite of submitting the required documents, including alternate land ownership papers, survey maps, sketch maps, and other documents as demanded by the respondents between 2015 to 2017, the petitioner's claim was rejected without proper hearing. The respondents issued letters dated 03.10.2017 (Annexure-10) and 04.12.2017 (Annexure-10(i)) rejecting the petitioner's claim on vague grounds, including alleged non-residence at the time of application, an issue that was never raised during initial scrutiny or earlier draws.

6. The Learned counsel for the petitioner submitted that the petitioner is a resident of Hasanpura, and possesses land in her name or as heir to her late grandmother's (Nani) property, thereby fulfilling all criteria under the RGGLV Scheme. It is contended that the rejection was arbitrary, malafide, and contrary to the scheme guidelines, which require only proof of residence and not permanent domicile or continuous inhabitancy. Therefore, the petitioner prays for



quashing of the respondents' rejection orders as illegal, unjust, and contrary to law, and seeks her rightful selection under the RGGLV Scheme.

7. The respondents Indian Oil Corporation Limited (IOCL) filed a counter affidavit stating that an advertisement was published on 17.10.2009 for the appointment of Rajiv Gandhi Gramin LPG Vitrak at Hasanpura, Siwan, among other locations. Out of 48 applications received for the dealership in question out of it, seven candidates were found eligible for the draw. After cancellation of selected candidates on three occasions, a fourth draw was held on 28.06.2014, in which the petitioner was declared selected. Following her selection, a Field Verification of Credentials (FVC) was conducted. The FVC revealed several discrepancies, which are as follows:

“(A). Residence certificate No. S/SIWAN/2009/RES/3251 submitted along with application mentioned as resident of Jaijore, which is not an advertised location. However, later on, she has also submitted



a residence certificate No. 257 dated 29.01.2010 issued by the CO, Hasanpura mentioned her as temporary resident of Hasanpura. It is relevant to state that the subject residence certificate was issued after the date of application.

B. In the affidavit dated 19.11.2009 as per format Appendix-A, and submitted along with the application, the petitioner declared herself as resident of Jaijore which is not an advertised location.

C. In the affidavit dated 23.11.2009, as per format Appendix-B, and submitted along with the application, the petitioner declared herself as resident of Jaijore which is not an advertised location.

D. In the affidavit dated 19.11.2009, as per format Appendix-C, and submitted along with the application, the petitioner declared herself as resident of Jaijore which is not an advertised location.



E. The land offered by the petitioner, bearing khata no. 239, survey no. 167, in the application was found to be through a registered lease deed of 15 years vide doc. No. 14615 dated 17.11.2009. This does not comply with the advertised condition of clear ownership w.r.t. to the title of land for RGGLV location."

8. The Learned counsel for the respondents contended that the FVC committee requested the petitioner to submit alternate land ownership documents as per policy vide letter dated 12.12.2015. Despite repeated reminders over the following years, the petitioner failed to establish ownership of suitable land in her name or in the name of eligible family member as per policy requirements. However, the petitioner submitted a sale deed in the name of her late grandmother but she failed to provide the mandatory No Objection Certificate (NOC) due to her grandmother's demise. It is further submitted that multiple



opportunities were granted to the petitioner and having no other option the respondent cancelled the candidature vide letters dated 03.10.2017 and 04.12.2017 for non-compliance with the essential conditions of residency and land ownership under the RGGLV Scheme.

9. The Learned counsel for the respondents submitted that all candidates selected in the previous draws were similarly disqualified based on the findings of FVC. Further, in line with the direction of Ministry of Petroleum and Natural Gas, no subsequent draw for the Hasanpura location is conducted.

10. It is submitted by the Learned counsel for the respondents that the admitted laches on the part of the writ petitioner were acknowledged by herself as per her Application form; she offered unsuitable land / residential certificate ignoring the instructions mentioned in Advertisement notice issued by the respondent Corporation, whereby the all applicants were specifically advised to go through the Brochure carefully before submitting



an Application-form, hence the alleged defects are not fit to be rectified. The Technical Evaluation team conducted evaluation to ascertain the suitability of the candidature as per prescribed norms, and in accordance with the terms and conditions of the Brochure/Dealer Selection Guidelines of the respondent Corporation.

11. The Learned counsel for the respondent Corporation submitted that 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, and prayed to dismiss the Writ petition.

12. 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 **2012 (2) PLJR 783 (M/s Indian Oil Corporation Limited Vs. Raj Kumar Jha & ors)**, **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. For better appreciation of the case, the observations made by the Hon'ble Division Bench in **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. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

16. 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/residential certificate which was rejected by the respondents.

17. Therefore, the petitioner cannot claim any right for consideration of her application. This Court finds no error or irregularity in order dated 3.10.2017 (Annexure10) and 4.12.2017 (Annexure



10(i) by which the candidature of the petitioner for the award of Rajiv Gandhi Gramin LPG Distributorship at Hasanpura was rejected.

18. In view of the above discussion, the Writ petition is liable to be dismissed.

19. In result, Writ petition is dismissed as devoid of merits.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2025
Transmission Date	

