

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15085 of 2017

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Sikandar Paswan S/o-Shri Suraj @ Narayan Paswan, R/o Village- Chakla Chakrasara, P.O.-Basanbara, P.S.-Alamnagar, District-Madhepura, Bihar.

... .. Petitioner/s

Versus

1. The Union Of India through Secretary, Petroleum Department, Govt. of India, New Delhi
2. The Chairman, Indian Oil Corporation, Limited, Govt. of India, New Delhi.
3. The Managing Director, Indian Oil Corporation, Limited B.P. Barauni, Begusara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sadanand Paswan, Advocate
For the Respondent/s	:	Dr. K.N.Singh, ASG
For the IOCL	:	Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 23-06-2025

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

“a) A writ in the nature of certiorari and any other appropriate writ/ writs, order/ orders, for quashing the order dated 08.04.2017 contained in Letter dated 8.04.2017 vide Ref. BDO/TTS/1155 & 1193/KSK-56 issued under the signature of Senior Division Retail sales Manager Begusarai Division rejecting the candidature of the petitioner for allotment of KSK retails outlet dealership Chakla Dhandsara of Madhepura District.



(b) A writ in the nature of mandamus or any other appropriate writ / writs, order/ orders direction/ directions commanding the respondent for the following:-

(i) to hold that the order contained in Annexure-4 to this writ petition is the nonest in the eye of law.

(ii) to direct the respondent to treat the application of the petitioner in accordance with law and allow the dealership to the petitioner forthwith.

(c) to any other relief for that the petitioner is entitled to.”

2. The brief facts of the case, as culled out from the petition, are that the petitioner submitted an application, enclosing all the required documents and certificates, including the residential certificate, voter card, PAN card, and caste certificate, for the dealership of Kisan Seva Kendra (Rural Petrol Pump Retail Outlet) at a location in Bishanpur under Block Alamnagar in Madhepura District, under the SC (CFS) category, as advertised by the respondent Indian Oil Corporation Limited (hereinafter referred to as



“IOCL”), on 22.10.2014.

3. It is submitted by the petitioner that vide Letter No. BDO/SKMP/14-15/NKSR/156/01 dated 06.05.2016, issued under the signature of the Senior Divisional Retail Sales Manager, Begusarai Division Office, Begusarai, the petitioner was asked to submit the following details/documents to their office:

(i) All the pages of the application were not serially numbered by the applicant. Please submit an application along with photograph and photo identity card issued by any government agency for the same.

(ii) A residence certificate issued six months prior to the date of the affidavit, along with a Brochure, valid residence certificate for the selection process as per clause 4(ii) of the procedure. The residence certificate attached with the application is more than six months old from the date of the affidavit. Please submit a residence certificate issued within six months prior to the date of the affidavit available with you.



4. That in compliance with the order/direction dated 06.05.2016 contained in Annexure-2, the petitioner submitted all the required documents, including the residential certificates dated 31.01.2008 and 02.03.2016, along with other necessary documents on 22.10.2014.

5. It is submitted by the Learned counsel for the petitioner that the petitioner's application was submitted within stipulated time and complied with the directions of the Senior Retail Manager contained in Annexure-2. Despite this, the petitioner's candidature was cancelled vide order dated 08.04.2017, on the ground that he did not submit the residential certificate. It is contended that the Senior Divisional Retail Sales Manager, Begusarai, in a mechanical manner, held that as per clause 4(ii) of the Dealer Selection Brochure dated 09.10.2014, the petitioner did not submit his residential certificate.

6. It is further contended by the Learned counsel for the petitioner that the petitioner stated



in his application that he is a permanent resident of a house situated in Village Charaha, P.O. Baanbara, P.S. Udakishanganj, District Madhepura. The residential certificates dated 31.01.2008 and 02.03.2016 fully corroborate the said fact.

7. The Learned counsel for the petitioner submitted that the respondents wrongly, mechanically, and arbitrarily rejected the candidature of the petitioner, and prayed to allow the Writ petition.

8. A counter affidavit was filed on behalf of the respondents. It is averred in the counter affidavit that the respondent, Indian Oil Corporation Ltd., had admittedly floated an advertisement dated 22.10.2014 for the Kisan Seva Kendra (Rural Petrol Pump Retail Outlet) dealership at various locations, including the subject location Bishanpur under Block Alamnagar in Madhepura District, under the SC (CFS) category.

9. It is further averred that the interested applicants were advised to go through the Selection Brochure (Annexure R/2-1) mentioned in



the advertisement for the terms and conditions of selection and appointment. The Selection Brochure was also made available on the website.

10. The counter affidavit disclose that the brochure contained terms of selection, which includes a condition that, for the location, the applicant had to offer land either on ownership or for a long-term lease. In the case of locations, reserved for the SC category, the applicant owning the land was required to offer the land to IOCL on lease; or, if the land was on lease, the applicant had to have a provision allowing sub-lease of the land to the Oil Company. Any eligibility was to be attained on or prior to the date of submission of the application. Based on the offer of land, applicants were to be categorized into Group 1 or Group 2. Apart from other conditions, a condition with respect to the residential status of the applicant was also provided, which reads as follows:

"4. ELIGIBILITY CRITERIA FOR
APPLICANTS INDIVIDUAL -
PROPRIETORSHIP/PARTNERSHIP Common



Eligibility Criteria for all Categories applying as Individual (as on date of affidavit (Appendix XA) unless mentioned otherwise)

(1) Citizenship: Indian Citizen.

(i) Residential status:

Regular ROs: Resident of India (as per Income tax rules') as on date of affidavit.

Rural ROs: Resident of India(as per Income tax rules') as on date of affidavit.

and Resident of the concerned Revenue District

(Residence certificate issued within previous six months of the date of affidavit will be treated as valid residence certificate Appendix I)."

11. The applicant was required to furnish a residential certificate in Appendix I, which is part of the selection guidelines, and the said certificate was required to be issued by a competent authority within six months prior to the date of the affidavit. The petitioner applied for the dealership at the subject location and submitted an affidavit dated 18.11.2014 (page 18 of the writ petition) along with a residential certificate dated



31.01.2008. The application had some rectifiable defects, for which the petitioner was asked, vide Annexure 2 to the writ petition, to rectify the same and to furnish a residential certificate as per Appendix I, issued by a competent authority within six months prior to the affidavit.

12. It appears that the petitioner, vide Annexure 3, corrected the defects but did not submit a residential certificate issued within six months, prior to the affidavit date. He admitted his inability to produce the same and submitted copies of two residential certificates dated 31.01.2008 and 02.03.2016.

14. The certificate dated 02.03.2016 (page 15 of the petition) reveal the petitioner as a resident of village Muzaffarpur Ismail Tola Chakla, PO Beespatti, PS Alamnagar, District Madhepura, but it lacks the name and designation of the issuing authority. The certificate dated 31.01.2008 (page 16) states residency at village Chakla, PO Basanpura, under Udakishunganj subdivision.

15. The Learned counsel for IOCL submits



that, as per the petitioner's own statement in paragraph 12 of the writ petition, he is a permanent resident of village Charaha, PO Baanbara, PS Udakishunganj, District Madhepura. This statement certifies that the above residential certificates are false and fabricated.

16. It is further contended by the Learned counsel for the respondents that since the petitioner failed to submit the required residential certificate as per Appendix I, issued within six months prior to the affidavit/application date, despite being granted an opportunity to rectify, his candidature was found ineligible for the retail outlet. The petitioner was informed accordingly vide letter dated 08.04.2017 (Annexure 4).

17. The Learned counsel further submits that residential certificates are valid only for six months, and the petitioner's failure to submit a valid certificate as required by the selection brochure led to his disqualification. Hence, there is no illegality.

18. It is also submitted that the Hon'ble



High Court and Hon'ble Supreme Court have held that the terms of the Selection Brochure must be strictly followed, and the respondent authorities have adhered to these terms as provided in the 2014 brochure.

19. Heard the Learned counsel for the parties and perused the records of the case.

20. It is submitted by the Learned counsel for the respondents that, vide Annexure 3 to the writ petition, the petitioner corrected the rectifiable mistakes as pointed out, but did not submit a residential certificate issued within six months prior to the date of the affidavit and application, and the petitioner also admitted and accepted his inability to produce the same instead he submitted copies of two residential certificates dated 31.01.2008 and 02.03.2016. Hence, the alleged defect with regard to the residential certificate was not cured as per the prescribed norms and in accordance with the terms and conditions of the brochure, (the Brochure for Selection of Dealers for Regular & Rural Retail Outlets Guidelines) of the



respondent Corporation.

21. 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.)**.

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

23. For better appreciation of the case,



the observations made by the Hon'ble Division Bench in **2012 (2) PLJR 783 (supra)** is 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."

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



25. In light of the legal propositions 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 that 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.

26. In the present case, the application of the petitioner suffered from some rectifiable defects, for which he was asked to furnish the residential certificate as per Appendix I, issued by a competent authority within six months prior to the date of the affidavit. However, the petitioner corrected the rectifiable mistakes as pointed out but did not submit residential certificate issued within prescribed time frame and admitted his inability to produce the same, therefore, his application was rejected by the respondents.

27. The Court finds no error or irregularity in the decision of the Corporation, which was in strict accordance with the terms and conditions



contained in the advertisement. Therefore, the petitioner cannot claim any right to have his application considered.

28. 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.

29. In result, Writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2025
Transmission Date	

