

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3356 of 2018

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Kumari Mira Sinha @ Kumari Meera Sinha W/o Shri Rajesh Kumar Sinha,
Resident of Village- Chhabilapur, P.O.- Chhabilapur, P.S.- Manpur, District-
Nalanda.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Ltd. Through Its Chairman Cum Managing Director
G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai 400051
2. The General Manager, Indian Oil Corporation Ltd. 5th Floor, Lok Nayak
Jaiprakash Bhawan, Dak Bunglow Chowk, Patna 800001
3. The Dy. General Manager Retail Sales Indian Oil Corporation Ltd., Block-
A, Maurya Lok Complex (3rd Floor), Dak Bunglow Chowk, Patna 800001

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Nath Kanth. Advocate
For the Respondent/s : Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-08-2025

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

*“ To quash the order as contained in
letter issued vide Ref. PDO/ KKS/251/1
dated 09-01-2018 by which candidature
of Petitioner for award of Kisan Seva
Kendra (KSK) Dealership at location
"Within 1 Km from Prathmik School,
Bhatbigha towards Dariyapur" District-
Nalanda, has been rejected on the*



ground that her candidature has not been found eligible for KSK dealership as "The land offered by you falls under Group II category instead of Group I category".

II. To direct the Respondents to consider the candidature of Petitioner valid for award of Kisan Seva Kendra (KSK) Dealership at the location "Within 1 Km from Prathmik School, Bhatbigha towards Dariyapur", District - Nalanda and to issue LOI in favour of the Petitioner as per declaration of Result dated 8-11-2017.

III. To quash the letter having Ref. PDO/RO/251/1 dated 20-2-2018 issued by the Respondent No. 3.

IV. To restrain the Respondent Corporation from proceeding ahead in the matter of selection and appointment of Kisan Seva Kendra (KSK) Dealership at the location "Within



1 Km from Prathmik School, Bhatbigha towards Dariyapur" District - Nalanda, till the disposal of present writ application."

2. The case of the petitioner, in brief, is that she had applied for the Kisan Seva Kendra (hereinafter called as "KSK") dealership at the location specified as "Within 1 km from Prathmik School, Bhatbigha towards Dariyapur", as advertised by the respondent Indian Oil Corporation Limited (hereinafter called as "IOCL") on 22.10.2014 In Nalanda District at Location Sl. No. 251. It is submitted that along with her application, she had enclosed all required documents, including a notarized lease agreement dated 20.11.2014 executed by the land owner, Sri Baleshwar Yadav, in her favour with respect to the land situated at Khata No. 65, Plot No. 164, measuring 11.50 decimals.

2. It is further submitted that the Land Evaluation Committee (LEC) of IOCL, after due



inspection of the site on 22.05.2017, found the land suitable as per prescribed parameters, without pointing out any deficiencies. Pursuant to this, the petitioner was informed vide letter dated 19.06.2017 that she had qualified for the draw of lots scheduled on 11.07.2017.

3. It is the specific contention that Writ petitioner was not selected in the first draw and the candidate who was declared successful in the first draw was later disqualified. A second draw was held on 08.11.2017, in which the petitioner was declared successful.

4. The Learned counsel for the petitioner submitted that by letter dated 09.01.2018, received on 22.01.2018, the petitioner's candidature was rejected on the ground that the land offered by her falls under Group II category whereas she was declared under Group I.

5. It is further submitted that such categorisation is relevant only for the purpose of priority/preference. As per Clause 4(vi) and Clause 14(८) of the Brochure, and not for determining



eligibility. It is contended that land categorisation into Group I or II does not pertain to technical suitability, which had already been confirmed by the LEC during site inspection. It is further submitted that, the Selection Manual was effective from 09.10.2014, candidates found ineligible due to rectifiable deficiencies must be given 21 days time to rectify the same.

6. It is also submitted that the alleged deficiency regarding land categorisation was neither flagged at the time of scrutiny nor during the site inspection and does not fall under the category of non-rectifiable deficiencies. Despite this, no opportunity for rectification within 21 days was given to her, prior to the issuance of the rejection letter. In response to the rejection, the petitioner submitted a representation dated 30.01.2018, enclosing a Registered Lease Deed dated 29.01.2018, executed by the same landowner for the same piece of land, effective from 20.11.2014 for a period of 28 years, thereby fulfilling the requirement of minimum 25 years



lease, from the date of the affidavit. It is contended that the land and its description remain unchanged and there was no suppression of material facts.

7. It is also submitted that the representation of the petitioner dated 30.01.2018 has not been disposed of and that the IOCL has proceeded further in the matter without addressing the issues raised. It is further contended that the reason cited in the rejection letter does not fall within the grounds of disqualification under Clause 10 of the Brochure. Hence, the rejection is arbitrary and violative of principles of natural justice.

8. The Learned counsel for the petitioner prayed to quash of the rejection letter dated 09.01.2018 (Annexure-8) and seeks a direction upon the respondent to issue a Letter of Intent (LOI) pursuant to her valid selection in the draw of lots for the KSK dealership.

9. A counter affidavit was filed on behalf of the respondent Indian Oil Corporation Limited. It is averred therein that the petitioner in her application had declared the date of registered



sale deed/lease deed/mutation as 20.11.2014 and she further declared the land fall under Group I, which was supported by an affidavit and advocate's certificate, and was accordingly considered under Group I, for the purposes of the draw.

10. The Learned counsel for the respondents submitted that as per the applicable brochure, land under ownership or under a registered lease on the date of application qualifies under Group I, whereas a mere firm offer for lease/sale fall under Group II. It is further submitted that based on the petitioner's declaration, her candidature was considered under Group I, and she participated in both first and second draw of lots. However, during Field Verification, it was found that the petitioner did not possess ownership or registered leasehold rights over the offered land, as on the date of the application. Instead, she had only submitted a notarized lease agreement, which, as per the brochure, amounts to only a firm offer and not



actual possession under Group I.

11. The Learned counsel for the respondents also submitted that the petitioner's land, therefore, clearly fell under Group II, and her declaration to the contrary amounted to misrepresentation and a false statement, rendering her candidature ineligible and liable cancellation. It is further contended that any subsequent registration of the lease deed, including the deed dated 29.01.2018 executed after the draw and selection, is not relevant or permissible to cure the deficiency and the registered Lease Deed dated 29.01.2018, though made effective retrospectively from 20.11.2014, cannot validate the earlier claim, as no registered lease existed on the date of the affidavit/application. Further, the Land Evaluation Committee (LEC) is concerned only with technical suitability of the land and not with its categorisation, which is determined on the basis of the applicant's declarations and supporting documents. The deficiency in the petitioner's



application was not rectifiable, and hence, no time was required for rectification within the period of 21 days as per the selection Manual. It is further contended that the petitioner's representation dated 30.01.2018 was duly considered and disposed of by the competent authority vide order dated 20.02.2018.

12. The Learned counsel for the respondents submitted that in light of the above, the petitioner was rightly disqualified for submitting a false declaration and her candidature was rightly cancelled. Therefore, prayed to dismiss the Writ petition as devoid of merits.

13. 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.).

14. 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."

15. 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."



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 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.

17. 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-8) to the petitioner.

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



19. In result, Writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.08.2025
Transmission Date	

