

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19992 of 2019

Devendra Prasad Singh S/o Ram Prasad Singh R/o Village-Manma, Post-Jogiara, P.S.-Jalley, District-Darbhanga, Bihar-847303.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Petroleum and Natural Gas, Govt. of India, Shastri Bhawan, New delhi-110001.
2. The Chairman, Indian Oil Corporation Ltd., 3079/03 J.B. Tito Marg, Sadique Nagar, New SDelhi-110048.
3. The Executive Director, Indian Oil Corporation Limited (Marketing Divisional), Eastern Region Officer, Regional Contract Cell, Indian Oil Bhavan, 2 Gariahat Road (South), Dhakuria, Kolkata-700068.
4. The Executive Director (LPG), Indian Oil Corporation Limited, Registered Office-5th Floor, Loknayak Jaiprakash Narayan Bhawan, Dakbungalow Road, Patna-800001.
5. The Dy. General Managar (LPG). Bihar State Office, Indian Oil Corporation Limited, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bungalow Chowk, Frazer Road, Patna-800001.
6. The Chief Area Manager, Indane Area Office, Indian Oil Corporation Limited, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Kumar
For Union of India	:	Ms. Chhaya Mishra, CGC
For the IOCL	:	Mr. Ankit Katriar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 08-12-2025 1. The petitioner has filed the present writ application for quashing letter, dated 21.06.2019, issued by the Chief Area Manager, Indane Area Office, Indian Oil Corporation Limited, Begusarai, whereby the petitioner was informed that his application for LPG distributorship would be considered under Inter-Se Priority List 3 and



further for a direction to the respondents restraining them from awarding or appointing any LPG distributorship at Sahaspur, in the district of Darbhanga, under the Open (GP) category and to consider his application under Inter-Se Priority List 2 instead of Inter-Se Priority List 3.

2. The case of the petitioner, in brief, is that an advertisement was issued by the Indian Oil Corporation Limited on 17.06.2017 inviting applications for LPG distributorships at various locations, along with the publication of guidelines for selection of LPG Distributors.
3. The petitioner, being an ex-serviceman with disability, finding himself eligible to apply under Inter-Se Priority List 2 in terms of the aforesaid guidelines, submitted his application through online mode pursuant to the said advertisement through a cyber cafe for the Sahaspur location, in the district of Darbhanga, under the Open (GP) category.
4. When two draws of lots were conducted by the Indian Oil Corporation Limited on 08.01.2018 and 12.10.2018 and the name of the petitioner did not appear in any of the two draws, the petitioner filed a representation before the



Chief Area Manager, Indane Area Office, Indian Oil Corporation Limited, Begusarai, requesting therein to reconsider the application of the petitioner for allotment of LPG Distributorship at Sahaspur, in the district of Darbhanga, under the Open (GP) category.

5. The petitioner sought reconsideration of his candidature by invoking Clauses 15 (e) and 15(g) of the 2017 Guidelines, stating that on the basis of DGR Certificate issued by the Directorate General Resettlement, Ministry of Defence, he was the only eligible candidate under Inter-Se Priority List 2 for the said location.
6. In response to the representation of the petitioner, the Chief Area Manager, Begusarai A.O., Indian Oil Corporation Limited, informed the petitioner, vide letter, dated 21.06.2019, that his application was considered under Inter-Se Priority List 3 in accordance with the options selected by him at the time of submitting the online application. It was further clarified that as per the computerized system, there was no eligible applicant under Inter-Se Priority Lists 1 and 2 and, therefore, the draws had been conducted among the applicants falling under Inter-Se Priority List 3.



7. Learned Counsel for the petitioner argued that being unfamiliar with functioning and operation of the computer, the petitioner filed his application for allotment of LPG Distributorship at Sahaspur, in the district of Darbhanga, under the Open (GP) category through a cyber cafe and instructed the operator of the cyber cafe to put a tick mark in the column of 'Disabled personnel of Armed Forces or Central Paramilitary forces/Central or State Special forces while performing their duties' (Inter-Se Priority List 2), but the said operator did not choose any option, due to which the candidature of the petitioner for allotment of LPG Distributorship at Sahaspur, in the district of Darbhanga, has been considered under Inter-se Priority List 3. He further argued that this was a mere clerical error by the operator and the petitioner should not be penalized for such an inadvertent mistake.
8. Learned Counsel further argued that the petitioner is a disabled ex-serviceman and entitled to be placed under Inter-Se Priority List 2, as evidenced by the Disability Certificate issued by the Directorate General of Resettlement, Ministry of Defence. He further argued that despite submission of the original disability Certificate,



the Indian Oil Corporation Limited has arbitrarily disregarded the same and has mechanically placed the petitioner in inter-se priority list 3.

9. In support of his submission, Learned Counsel for the petitioner relies upon a decision of the Supreme Court, in the case of **Vashist Narayan Kumar v State of Bihar and Others (AIR 2024 SC 248)** and also on a decision of this Court, in the case of **Khusboo Kumari v State of Bihar and Others (CWJC No. 7777 of 2024)**.
10. On the other hand, learned Counsel for the Indian Oil Corporation Limited opposes the writ petition and submits that the entire process, i.e. from filing application to selection is completely online computerized system on the self-declaration furnished by the applicants themselves. The Indian Oil Corporation Limited has no authority to modify, correct or alter the priority category once an online application has been submitted.
11. Learned Counsel further submits that the petitioner has himself admitted in paragraph 12 of the writ petition that despite his specific instruction to the operator of the cyber cafe to put a tick mark in the column of 'Disabled personnel of Armed Forces or Central Paramilitary



forces/Central or State Special forces while performing their duties' (Inter-Se Priority List 2), the said operator did not choose any option in Clause 4, meant for deciding inter-se priority. Having submitted a defective application form, the petitioner cannot now seek modification of the priority category or assail the consequential actions, particularly after the selection process has already commenced.

12. Learned Counsel further submits that multiple draws have already been conducted and on each occasion, the selected candidates were rejected during the Field Verification of Credentials. A fifth draw is now due and any alteration at this stage in the inter-se priority category of the petitioner would not only prejudice the case of other applicants, but also disturb the integrity of the entire automated and computerized selection.
13. I have heard learned Counsel for the parties concerned and have gone through the materials, available on record.
14. The principal grievance of the petitioner is that he was entitled to be placed under inter-se Priority List 2, but due to inadvertent mistake committed by the petitioner, he was placed in inter-se Priority List 3.



15. It is not in dispute that the petitioner submitted his application online. Clause 15 of the Guidelines prescribes the inter-se priority categories and expressly requires the applicant to select the appropriate priority in Column 4 of the application form. The petitioner, at the time of filing the application form, failed to choose any priority category, as such, the candidature of the petitioner was considered under Inter-Se Priority List 3, as he was eligible to be placed under Inter-Se Priority List 3.
16. The entire process is governed by a transparent, automated and computerized system based strictly on the self-declared inputs furnished by the applicants in the application form. The Indian Oil Corporation Limited can not manually categorize applicants and it has no authority to override or alter system-generated data. When the terms of the advertisement explicitly require that all submissions be accurate and complete, the Court may not permit any alteration or correction once the selection process has commenced, particularly in the present case where four draws of lots have already been conducted.
17. A Division Bench of this Court, in the case of **M/S Indian Oil Corporation Ltd and another v Raj Kumar**



Jha and others, reported in **2012 (2) PLJR 783**, while dealing with identical situation, has held that 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. To remain objective, the Corporation is required to adhere to the standards mentioned in the advertisement. The Division Bench further observed that the best way to avoid discrimination is to strictly adhere to the standards mentioned in the advertisement.

18. The reliance placed by the petitioner, in the case of **Vashist Narayan** (supra) and **Khusboo Kumari** (supra), is not applicable in the facts of the present case.
19. However, in the present case, the issue relates to a commercial allotment governed by strict, objective standards and an automated selection process for LPG distributorships. The non-selection of inter-se priority list by the petitioner and now his placement in the inter-se priority list-2 will directly alter the very foundation of the selection mechanism. Unlike educational recruitment, where the merit of a candidate and his qualification



remains unaffected, but in trade allotment matters, the priority category determines the entitlement.

20. In view of the above discussion, on facts as well as on law, this Court finds that any intervention at this stage would prejudice similarly situated applicants and will undermine the fairness and integrity of the selection process, which would amount to going against the terms and conditions set forth in the advertisement.

21. In the result, this writ application is dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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