

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15868 of 2018

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Manju Devi Wife of Sri Surendra Sardar, resident of Village- Parsahi, P.O.-
Bhatni, P.S.- Kumarkhand, District- Madhepura- 852112.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Land and Revenue Department, Government of Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The Anchal Adhikari, Anchal- Kumarkhand, District- Madhepura.
4. Union of India through the Secretary, Petroleum and Natural Gas Department, New Delhi.
5. The Joint Secretary Marketing, Petroleum and Natural Gas Department, New Delhi.
6. The Chairman, Indian Oil Corporation Limited, New Delhi.
7. The General Manager, Indian Oil Corporation Ltd., Lok Nayak Bhawan, Dak Bunglow Chowk, Patna.
8. The Chief Area Manager, Indane Area Office, Begusarai, Barauni Oil Refinery, District- Begusarai.
9. Kalpana Kumari, Wife of Dr. Bhog Narayan Paswan, Resident of Sub-Divisional Hospital, Triveniganj, P.S. Triveniganj, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Alok Kumar Pranav Kumar, Advocates
For the State	:	M/s Rishi Raj Sinha- SC 19 Atul Shankar, AC to SC 19
For the IOCL	:	Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 29-07-2025

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

“ For issuance of a writ of Certiorari for quashing of the communication dated 28.06.2018 issued by respondent No. 5



by which petitioner has been communicated that her application for award of LPG Distributorship as Gramin Vitrak has been rejected on the ground that "Applicant does not have own land for showroom in the advertised location as on the last date of submission of application", whereas before rejecting the application, petitioner was not intimated regarding such discrepancy as required under clause 19 of the guidelines nor the petitioner was ever given any opportunity to explain such discrepancy and as such the right of the petitioner has been violated without compliance of the requirement of natural justice because the name of the petitioner was declared successful in the draw of lots held in terms of clause 15 of the guidelines and petitioner further prays for issuance of any other writ / writs, order / orders, direction / directions which the Hon'ble Court may deem fit and proper."

2. In nutshell, the contents of the Writ petition are that the petitioner applied online vide application No. IOC02313477112082017, along



with all the required documents on 12.08.2017 within the stipulated time, pursuant to the Advertisement dated 17.06.2017 for the appointment of LPG distributors at Location - Sihpur Chakla under Gram Panchayat Raj Sihpur Gadhiya, Block Kumarkhand under the "Scheduled Caste (Women)" Category. Pursuant to the aforesaid advertisement, a draw of lots was conducted for the said location on 24.01.2018 wherein the petitioner was declared successful. Subsequently, she was advised vide letter dated 25.01.2018 to submit the required fee as well as necessary documents for the purpose of carrying out Field Verification Credentials (FVC) in terms of Clause 15 of the 2017 guidelines.

3. It is submitted by the petitioner that in compliance with the said direction, she submitted the required fee and relevant documents pertaining to the land offered by her on 25.01.2018.

4. The Learned counsel for the petitioner submitted that respondent No. 5 issued a reminder



on 14.03.2018, asking the petitioner to deposit the security amount for the purpose of conducting Field Verification Credentials. The petitioner, deposited the required security amount, and the Field Verification Credentials was conducted on 05.05.2018. During the said process, an undertaking in the prescribed format (Appendix P1B) was also obtained from the petitioner for issuance of the Letter of Intent.

5. The Learned counsel for the petitioner submitted that respondent No. 5 rejected the candidature of the petitioner without issuing any prior intimation or notice regarding any alleged discrepancy in the documents submitted, particularly those relating to the land records concering to the proposed LPG showroom. The petitioner had submitted a registered lease deed dated 27.07.2017 for land bearing Khata No. 72, Plot Nos. 731 and 732, where the location was mentioned as Mauza-Gadhiya. However, it is submitted that this was an inadvertent clerical error, and the land reference in fact is situated in



Mauza Sihpur Chakla, Gadhiya, which is evident from the Khatian, wherein Plots 731 and 732 are clearly recorded as part of Sihpur Chakla. Furthermore, the survey map shows that Plots 731 and 732 lies on the border between Sihpur Chakla and Gadhiya. It is a corner plot, adjacent to 10-foot wide road beyond which begins Mauza Sihpur Chakla. Hence, it is submitted that the land in question falls within the advertised location.

6. The Learned counsel for the petitioner submitted that Clause 19 of the 2017 guidelines provides that if any variance is found between the information submitted in the application and the original documents during Field Verification of Credentials, and such variance affects the eligibility of the candidate, then the LOI holder must be informed via email and given an opportunity to explain the discrepancy. It is only upon establishing that the information submitted was false or misrepresented, the candidature is to be cancelled. It is submitted the Field Verification Credentials was conducted but no intimation was



given to her regarding any discrepancy, nor she was afforded an opportunity to provide an explanation, as mandated under Clause 19. It is also submitted that if there was any doubt with respect to the land records, the same could have been easily verified through the local State Revenue Authority, i.e., the Anchal Adhikari, Kumarkhand (respondent No. 3), who is the lawful custodian of such land records.

7. The Learned counsel for the petitioner further contended that the rejection of the petitioner candidature is arbitrary and motivated by mala fide intent to accommodate another candidate of respondent No. 5's choice and it is evident from the undue haste with which the list of eligible candidates for the redraw of lots was published, excluding the petitioner's name without following due procedure.

8. The Learned counsel for the petitioner further contended that the actions of respondent No. 5, in rejecting her candidature without providing any notice or affording her an



opportunity to be heard are in gross violation of Articles 14 and 16 of the Constitution of India. The petitioner was declared successful in the draw of lots, and as such a legitimate right had accrued, in her favour for appointment as an LPG distributor. By failing to provide her an opportunity to explain the so-called discrepancy, respondent No. 5 has also acted in violation of the Principles of Natural Justice.

9. A detailed counter affidavit was filed by the Indian Oil Corporation Limited stating that the Indian Oil Corporation Ltd., invited applications for appointment of LPG distributors at various locations, including the location at *Sihpur Chakla* under the Scheduled Caste (Women) category. Interested candidates were directed to refer to the *Unified Guidelines for Selection of LPG Distributors, June 2017* (Annexure 1). It is submitted that as per the Brochure, the eligibility criteria was to be fulfilled as on the date of online submission of application. The Brochure defined various key terms and the term 'Location' has been defined in



the Brochure as "In this document, word location means the area identified for setting up of new LPG Distributor. It can be a locality/ village/cluster of villages/town or city which is mentioned in the Notice for Appointment of LPG Distributors." The 'Village' has been defined as: in this document, Village means the basic unit for rural areas which is the revenue village which has definite surveyed boundaries. The revenue village may comprise several hamlets. The word Ownership has been defined and as 'Ownership" or "Own" for godown / showroom for Sheheri Vitrak, Rurban Vitrak, Gramin Vitrak and Durgam Kshetriya Vitrak Type of Distributorship means having:

- a. Ownership title of the property Or
- b. Registered lease deed having minimum 15 yrs of valid lease period commencing on any day from the date of advertisement up to the last date of submission of application as specified either in the advertisement or corrigendum (if any).

Additionally, applicants having registered



lease deed commencing on any date prior to the date of advertisement will also be considered provided the lease is valid for a minimum period of 15 years from the date of advertisement. The applicant should have ownership as defined under the term 'Own' above in the name of applicant/ member of "Family Unit" (as defined in multiple dealership/ distributorship norm of eligibility criteria)/parents (includes Step Father/Step Mother), grandparents (both maternal and paternal), Brother/Sister (including Step Brother & Step Sister), Son/Daughter (including Step Son/Step Daughter), Son- in-law/Daughter in-law; of the applicant or the spouse (in case of married applicant) as on last date for submission of application as specified either in the advertisement or corrigendum (if any). In case of ownership/co-ownership by family member(s) as given above, consent in the form of a declaration from the family member(s) will be required." Further the Brochure requires shop/land for showroom to be within the advertised location whereas the land for



Godown may be within 15 km of the advertised location.”

10. The Learned counsel for the Indian Oil Corporation Ltd. submitted that seven candidates, including the petitioner, had applied for the said location. At the application stage, no documents except the fee were required to be submitted. Documents supporting eligibility were sought only from the selected candidate after the draw of lots. The petitioner was selected through a draw of lots held on 24.01.2018, subject to verification of credentials. She was accordingly asked to submit the requisite documents vide letter dated 25.01.2018, followed by a reminder on 14.03.2018.

11. The Learned counsel for the respondent IOCL submitted that the petitioner submitted a Lease Deed dated 27.07.2017 for land proposed for both showroom and godown. However, during field verification, it was found that the land offered for the showroom was situated in Village/Mouza Gadhiya, which is distinct from the advertised location of Sihpur Chakla. It is further



contended that Census records of Kumarkhand Block clearly distinguish *Sihpur Chakla* and *Gadhiya* are separate villages (Serial Nos. 52 and 15, respectively). Hence, the land proposed by the petitioner for the showroom did not meet the Brochure requirement of being situated within the advertised village.

12. The Learned counsel for the IOCL further submitted that the petitioner was granted an opportunity to offer alternate land within the advertised location vide letter dated 04.05.2018. In her reply dated 14.05.2018, the petitioner admitted she had no land in *Sihpur Chakla* and had mistakenly offered land in *Gadhiya Mouza* and as she failed to furnish land within the required location, her candidature was cancelled with due approval and she was informed accordingly vide letter dated 28.06.2018.

13. The Learned counsel for the respondent IOCL further submitted that the petitioner had further misrepresented facts by mentioning that the land offered for showroom I



was located in “Sihpur Gadhiya Mouza Chakla Gadhiya,” whereas fact, the land actually lies in *Silper Mouza*. She also failed to disclose in the writ petition that she was given an opportunity to offer alternate land.

14. The Learned counsel for the respondent IOCL further submits that following the rejection of the petitioner’s candidature, a second draw of lots was held on 23.07.2018. Ms. Kalpana Kumari was selected, and upon successful verification of her credentials, a Letter of Intent was issued on 23.11.2018, followed by the Letter of Appointment on 19.08.2019. The distributorship commenced on 21.08.2019 under the name M/s Sihpur Chakla Indane Gramin Vitrak, and is presently operational.

15. The Learned counsel for the respondent IOCL further submitted that the petitioner failed to challenge either the LOI or LOA for several years, despite the information being public availability. It is contended that IA No. 7392/2018, filed by petitioner merely sought



impleadment of the selected candidate without contesting the selection process. Hence, it is argued that the writ petition has become infructuous, and does not warrant judicial review as the selection process was in accordance with prescribed administrative guidelines and the petitioner never acquired any vested right merely by being declared selected in the draw of lots.

16. Further, the Learned counsel for the respondents submitted that the issue involved in the present case, i.e., the non-compliance by the applicants with the terms and conditions of the advertisement and the brochure, and failure to produce documents as per the settled guidelines, has already been set at rest by a catena of decisions rendered by this Court. It was contended that, in view of such non-compliance, the respondent Corporation is under no legal obligation to issue the Letters of Intent.

17. 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.)**.

18. For better appreciation of the case, 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.”

19. 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."

20. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

21. 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 his application form, offered unsuitable land for LPG distributorship based on the selection criteria



stipulated in the Unified Guidelines for Selection of LPG Distributors - June 2017, which was rightly cancelled by the respondents.

22. Therefore, the petitioner cannot claim any right for consideration of his application. This Court finds no error or irregularity in the decision of the respondents in not granting the Letter of Intent to the petitioner.

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

24. In result, Writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2025
Transmission Date	

