

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13813 of 2018

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Swati Devi W/o Dinanath Poddar Resident of Village - Gerabari Bazar, P.S.
Korha, District - Katihar.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited Through Its Managing Director and Anr
2. The Chief Area Manager, Indian Oil Corporation Limited, Indane Area Office, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s N.K.Agrawal, Sr. Advocate Vijay Anand, Advocate
For the Respondent/s	:	Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 01-09-2025

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

“(I) For quashing the order dated 28.6.2018 contained in Reference No. BAO/IOC- 2313380022072017 by which the Respondent No.2 inform the petitioner that upon fill verification of the information submitted by her in her application found variation that she has not own land for showroom in the advertise location as on last date of submission of application and accordingly rejected her candidature.

(ii) Further issue a direction to the Respondent No.2 to issue Letter of



intent in favour of the petitioner."

2.The case of the petitioner, in brief, is that pursuant to an advertisement dated 18.06.2017, she applied for selection as LPG Distributorship of Indian Oil Corporation Limited (hereinafter called as "IOCL") for Hathwara situated in District of Katihar.

3. It is submitted that the petitioner, along with her application, she enclosed all requisite documents, including details of land for construction of both godown and showroom, as required under Columns 4 and 5 of the application form. The said land was situated in Fuldovi Mauza, within the Hathwara Panchayat, under Falka Block.

4. It is contended that the petitioner was informed vide letter dated 26.12.2017, that she had qualified for the draw of lots. She was subsequently declared successful in the draw held on 04.01.2018 and, as directed by IOCL, she submitted all documents for field verification. However, her candidature was rejected by IOCL



vide letter dated 28.06.2018 on the ground, that she did not own land for a showroom in the advertised location (Hathwara), as on the last date of submission of application. Consequently, the deposited amount of Rs. 40,000/- was also forfeited as per Clause 11(h) and 11(i) of the advertisement.

5. The Learned Senior Counsel for the petitioner contended that respondent No. 2 failed to consider the material fact that Fuldovi Mauza falls under Hathwara Panchayat, which was the advertised location. Hathwara Panchayat comprises five villages, namely: 1. Amon, 2. Amon Millik, 3. Hathwara, 4. Hathwara Millik and 5. Fuldovi.

6. It is further submitted that as per the constitution of Hathwara Panchayat, Fuldovi is an integral part of it. The petitioner offered land situated in Fuldovi Mauza, specifically Plot No. 781, measuring an area of 8 decimals (3 meters x 4.5 meters = 13.5 sq. meters), as required under the guidelines.



7. The Learned Senior counsel emphasized that the field verification team incorrectly reported that the petitioner did not provide land in the advertised location, whereas the land was situated within the same Panchayat, thereby it fulfills the requirement.

8. It is also argued that the impugned order dated 28.06.2018 is not sustainable in law since the petitioner's offered land for the showroom was located in Fuldovi village, which falls under Hathwara Panchayat — the notified location in the advertisement. Reliance was placed on Clause 8(j) of the Unified Guidelines for Selection of LPG Distributors (June 2017), which requires the applicant to own a piece of land measuring at least 3m x 4.5m at the advertised location. Since Fuldovi is part of Hathwara Panchayat, the petitioner argues that she completed the criterion.

9. A detailed counter affidavit was filed on behalf of the respondent Corporation. The Learned counsel for the Corporation submitted that the



selection process was governed by the Unified Guidelines for Selection of LPG Distributors (June 2017).

10. It is submitted that the advertised location was Hathwara, under Gram Panchayat Hathwara, Block Falka, District Katihar, and the applicant was required to have land within this advertised location. It is further submitted that although the petitioner was selected in the draw of lots conducted on 04.01.2018, the issuance of a Letter of Intent (LOI) was subject to successful field verification of the documents submitted in support of the application.

11. The Learned counsel for the respondents submitted that during field verification, it was found that the land offered for the showroom (Khata No. 393, Khesra No. 781, Mauza-Fuldovi) was in the name of her husband and not in the advertised location of Hathwara. According to the Corporation, Fuldovi Mauza is distinct from Hathwara village, and therefore outside the advertised area.



12. It is contended that the petitioner was asked through letter dated 05.03.2018 (Annexure R/2/-1) to provide land in the advertised location; for which she replied on the same date, stating that she had no other land except the one offered in Mauza-Fuldovi. Accordingly, her candidature was cancelled as per the Guidelines, and the amount deposited was forfeited.

13. It is further argued that the issue involved, i.e., non-compliance with the terms and conditions of the advertisement and brochure, is no longer *res integra* and has been settled by multiple decisions of this Hon'ble Court. Hence, the Corporation is under no legal obligation to issue the Letter of Intent in the petitioner's favour.

14. 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.)**.

15. 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."*

16. 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."

17. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents and perused the records.

18. The Court has considered the rival submissions, material on record, and the legal propositions laid down in the cited judgments.

19. It is a settled principle that once a standard is laid down in the advertisement, the Corporation must adhere to it without deviation. Any relaxation or subjective interpretation would be violative of Article 14 of the Constitution and open the door to arbitrariness.

20. In the present case, the land offered by the petitioner was not located within the advertised location, as required. The explanation that Fuldovi Mauza falls under Hathwara Panchayat is of no assistance because the advertisement specifically mentions "location Hathwara", not the Panchayat as a whole.

21. Moreover, the petitioner herself



admitted in her letter dated 5.3.2018 (Annexure R2/-1) that she had no other land in the advertised location. Thus, the Corporation was justified in rejecting her candidature.

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 cancelling the candidature of the petitioner.

23. In light of the above discussion, this Court finds no merit in the present writ petition.

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	12.09.2025
Transmission Date	

