

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5239 of 2020

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Ajay Kumar Yadav Son of Dinanath Yadav, Resident of Raghunathpur, Ward No. 7, Barsoi Station Road, Post Office- Barsoi, Police Station- Barsoi, District- Katihar.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Ltd. through its Chairman, Indian Oil Bhawan, G9, Ali Yavar Jung Marg, Bandra East, Mumbai- 400051.
2. Chairman, Indian Oil Bhawan, G9, Ali Yavar Jung Marg, Bandra East, Mumbai- 400051.
3. Head of Divisional Office, Divisional Office Begusarai, Indian Oil Corporation Ltd.
4. Divisional Manager, Divisional Office Begusarai, Indian Oil Corporation Ltd.
5. Territory Manager, Divisional Office Begusarai, Indian Oil Corporation Ltd.
6. Regional Manager, Divisional Office Begusarai, Indian Oil Corporation Ltd.
7. CDRSM, Divisional Office, Begusarai, Indian Oil Corporation Ltd.
8. Raj Kumar Gupta, Son of Kapil Deo Prasad Gupta, Resident of Barsoi Bazar, Police Station- Barsoi, District- Katihar.

... .. Respondent/s

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Administrative Law---Article 226--- challenge to the decision by Respondent Indian Oil Corporation Limited wherein candidature of the petitioner for grant of retail outlet dealership (petrol pump) was cancelled on the ground that he failed to produce Appendix III B (confirmatory letter from an advocate) having a date prior to the date of submission of application form---*Held*: During the Field Verification of Credentials, petitioner produced the confirmatory letter of the advocate which is after the date of submission of the application form and not prior and/or a date before the submission of the application form as per the terms of the selection---since petitioner failed to produce any document/confirmatory letter having the date prior to the submission of the application form and/or as on the date of the submission of the application form, the Respondent corporation rightly rejected the candidature of the petitioner for grant of dealership---writ application dismissed.

(Para 1, 10, 24, 27)

2021 (4) PLJR 608

.....**Referred to.**

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- 8. Raj Kumar Gupta, Son of Kapil Deo Prasad Gupta, Resident of Barsoi Bazar, Police Station- Barsoi, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar
For the IOCL : Mr. K. D. Chatterji, Sr. Adv.
Mr.Amlesh Kumar Varma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER
ORAL

Date : 01-03-2024

The petitioner, being aggrieved by letter, dated 12.08.2019, issued under the signature of the Chief Divisional Retails Sales Manager (CDRSM), Divisional Office, Begusarai, Indian Oil Corporation Limited, by which the candidature of the petitioner for grant of retail outlet dealership (petrol pump) under



Group-1, at location between Shivrampur Chowk and Peer Mazar on SH 98, has been cancelled, has filed this writ application.

2. The brief facts, giving rise to the present writ application is that pursuant to an advertisement, dated 24.11.2018, published by the Indian Oil Corporation Limited, the petitioner applied for grant of retail outlet dealership (petrol pump), at location between Shivrampur Chowk and Peer Mazar on SH 98, in the district of Katihar, under Group-1 category.

3. As per the terms of the selection, as mentioned in the brochure, the Group-1 category is classified as applicants having suitable piece of land in the advertised location/area either by way of ownership/long term lease for a period of minimum 19 years 11 months or as advertised by the OMC. The other condition with respect to the land as mentioned in the brochure is that a land owned by the family member(s) will also be considered as belonging to the application (Group-1), subject to producing the consent letter in the form of affidavit (Appendix III A) from the concerned family member(s). The eligibility of applicant with regard to the land (Group 1 or Group 2) will be decided by the company with reference to a confirmatory letter from an advocate (Appendix III B) to be arranged by the applicant.



4. The condition of selection mentioned in the application form is that in case, land belongs to member of Family/Others, notarized affidavit as per Appendix III A should be available which is to be submitted when asked by Indian Oil Corporation Limited. Each applicant should have a confirmatory letter from an advocate (Appendix III B) giving details of the current ownership, documents relied upon and the category under which the land falls (Group 1 or Group 2) before submitting the application form. The aforesaid condition is mentioned at Clause 13 of the application form.

5. Clause 4 (v) (k) of the brochure stipulates that each applicant will have to declare, in the application form, the category under which offered land falls. Supporting the above, confirmatory letter from an advocate (Appendix III B) giving details of the current ownership, documents relied upon and the category under which the land falls (Group 1 or Group 2), **as on date of application**, is also to be furnished as and when advised. The Group under which the applicant's land falls, would be determined based on the declaration given in the application and confirmatory letter from the advocate regarding the same.

6. The Note appended to Clause 4 (V) (k) says that in case it is found at later stage that the offered land is not meeting



any of the above conditions, then in such case, the offered land would be rejected and the candidate will be given opportunity along with applicants under Group 3 by intimation through SMS/e-mail.

7. Clause 4 (V) (m) of the brochure says that verification of the supporting documents submitted by the selected candidate, post selection, will be carried out at the time of scrutiny/Field Verification of Credentials.

8. Admittedly, the petitioner has applied under Group 1 category, claiming the land belonging to his mother. It is also admitted position that the petitioner has submitted the application form on 24.12.2018.

9. The other condition of selection process is relevant for decision of this case is Field Verification of Credentials, mentioned in Clause 15 of the brochure, which says that the Field Verification will be carried out for selected candidate in respect of details provided in application form. The objective of the Field Verification of Credentials is to verify the correctness of the details given by the candidates in the application and the documents submitted thereafter. The candidate would be required to produce all original documents at the time of Field Verification of Credentials which were submitted after selection. Intimation



regarding Field Verification of Credentials will be given to the selected candidate ten days in advance by SMS/e-mail.

10. The petitioner was selected in the draw of lots on the basis of declaration and the details given by him in the application form. By letter, dated 28.06.2019, the petitioner was informed that he has been declared successful in the draw of lots for grant of dealership and accordingly the petitioner was required to submit the documents for Field Verification of Credentials within ten days.

11. In response to this letter, the petitioner has submitted Appendix III B, dated 01.07.2019. The candidature of the petitioner has been cancelled on the ground that the petitioner has failed to abide by the terms of the selection and instead of producing Appendix III B (confirmatory letter from an advocate) having a date prior to the date of submission of application form or as on having a date before submission of the application form.

12. Learned Counsel for the petitioner submits that the petitioner, along with his application form, submitted the confirmatory letter from an advocate in Appendix III B and further upon demand by the Indian Oil Corporation Limited, submitted the confirmatory letter, dated 01.07.2019. He further submits that since the petitioner has been selected and has produced the



confirmatory letter, dated 01.07.2019, as per the terms of the selection, as such, the petitioner fulfills all the conditions of the selection. But the respondent-Indian Oil Corporation Limited has arbitrarily and on technical ground, has cancelled his candidature.

13. Per contra, Mr. K. D. Chatterji, learned Senior Counsel for the Indian Oil Corporation Limited, argues that there is no illegality in the impugned order inasmuch as as per the terms and condition of the selection, as mentioned in the brochure, application form and the advertisement, verification of the supporting documents submitted by the selected candidate, post selection, will be carried out at the time of scrutiny/Field Verification of Credentials. At the time of submission of application form, copy of proof of ownership of the land was not required to be submitted and the same was to be submitted as and when advised by the Indian Oil Corporation Limited.

14. The petitioner, in his application form, is claiming his category of Group 1, for which he was required to submit confirmatory letter in Appendix III B from an advocate, giving details of the current ownership, documents relied upon and the category under which the land falls on a date before submitting the application. Admittedly, the application form has been submitted by the petitioner on 24.12.2018. After selection of the petitioner in



the draw of lots, the Indian Oil Corporation Limited demanded the documents, including Appendix III B from the petitioner, vide letter, dated 28.06.2019 (Annexure P/6) for scrutiny/Field Verification of Credentials and in response to the same, the petitioner has submitted the confirmatory letter of the advocate, dated 01.07.2019, which is not prior to the date of submission of the application and as such, is not in the conformity with the condition of selection.

15. Accordingly, on the basis of scrutiny/Field Verification of Credentials, the Indian Oil Corporation Limited has not considered the candidature of the petitioner valid under Group 1 category.

16. Learned Senior Counsel relies upon a Division Bench decision of this Court, in the case of **Sunita Yadav v. M/s Indian Oil Corporation Limited and Others**, reported in **2021 (4) PLJR 608**.

17. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.

18. The application form has been attached by the petitioner as Annexure P/2. Clause 13 of the same deals with the land details and for Group 1 category, in which the petitioner



applied, the petitioner was required to produce confirmatory letter from an advocate, giving details of the current ownership, documents relied upon and the category under which the land falls (Group 1 or Group 2) before submitting the application and as and when advised by the Indian Oil Corporation Limited. The application has been submitted by the petitioner on 24.12.2018.

19. Clause 4 (V) (k) of the brochure stipulates that each applicant will have to declare, in the application form, the category under which offered land falls. The confirmatory letter from an advocate in Appendix III B, as on the date of application is also to be furnished as and when advised by the Indian Oil Corporation Limited. The Group, under which the applicant's land falls, would be determined based on the declaration given in the application and confirmatory letter from an advocate regarding the same.

20. On close reading of Clause 13 of the application form and Clause 4 (V) (k) of the brochure, it is clear that a candidate for claiming candidature under Group 1 category is required to produce confirmatory letter of the advocate in Appendix III B having a date before application or prior to the date of application, as and when demanded by the Indian Oil Corporation Limited.



21. In the present case, on the basis of declaration made by the petitioner in the application form, falling under Group 1 category, the petitioner was considered by the Indian Oil Corporation Limited under that category and in the draw of lots, he was declared successful.

22. The verification of the supporting documents submitted by the selected candidate, post selection, is carried out as per Clause 4 (V) (m) of the brochure, which says that supporting documents of the selected candidate, post selection, will be carried out at the time of scrutiny/Field Verification of Credentials. The petitioner was informed about his being successful in the draw of lots by the Indian Oil Corporation Limited, vide letter, dated 28.06.2019, and for the purpose of Field Verification of Credentials, the petitioner was directed to submit supporting documents, including Appendix III A and III B.

23. Clause 15 of the brochure says that the Field Verification of Credentials will be carried out for selected candidate in respect of details provided in application form. The candidate is required to produce all original documents at the time of Field Verification of Credentials, which were to be submitted after selection. Intimation regarding Field Verification of



Credentials was given to the selected candidate ten days in advance.

24. During the Field Verification of Credentials, the petitioner has produced the confirmatory letter of the advocate, dated 01.07.2019, which is after the date of submission of the application form and not prior and/or a date before the submission of the application form as per the terms of the selection.

25. The contention of the petitioner that he produced the confirmatory letter at the time of submission of the application form is unsubstantiated and the petitioner has failed to produce before this Court any document/confirmatory letter in Appendix III B, having the date prior to the submission of the application form and/or as on the date of the submission of the application form.

26. The Division Bench, in the case of **Sunita Yadav** (supra), has considered the similar point of furnishing Appendix III B, rejected the claim of the appellant that appellant was not possessing all the documents before submission of the application or on the date of the application.

27. Considering the aforesaid facts and law, I am of the considered opinion that the Indian Oil Corporation Limited has rightly rejected the candidature of the petitioner for grant of dealership under Group 1 category.



- 28.** This writ application is, accordingly dismissed.
- 29.** There shall be no order as to costs.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	04-03-2024
Transmission Date	N/A

