

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13701 of 2019

Nilam Singh W/o Awadesh Kumar Singh Vill.- Galimpur, P.s.-
Bishwabharpur, Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Collector/District Magistrate Gopalganj, Distt.- Gopalganj
3. The Indian Oil Corporation Limited through its Chairman/Managing Director
4. The General Manager Bihar State Office, Indian Oil Corporation Ltd. Patna having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai-400051 (India)
5. Managing Director Indian Oil Co. Ltd. having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai-400051 (India)
6. The General Manager Area Office, Indian Oil Corporation Limited having its office at Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Patna-800001
7. The Chief Area Manager Patna Area Office, First Floor, Shahi Bhawan, Exhibition Road, Patna-800001
8. The Senior Divisional Retail Sells Manager Indian Oil Corporation, Muzaffarpur Divisional Office Krishna Complex Akhara Ghat Road, Muzaffarpur, Distt.- Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Singh, Advocate
For the State	:	Mr. S.Raza Ahmad, AAG 5
For the IOCL	:	Mr. Amlesh Kumar Verma, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 24-06-2026

1. The petitioner has filed the instant application for the following relief(s):

“(i) For issuance of an appropriate writ in the nature of the certiorari for quashing the Annexure 7, by which the respondent authorities has cancelled



the selection of dealership of Retail Outlet under Indian Oil Corporation in the location within between Jalalpur and Kuchaikote on Jalalpur Kuchakote road via Siswa Block Kuchaikote, district - Gopalganj under Open category open category to the petitioner after selection and also quashed the order that they said that your lands comes in the Group 3 category and allow the lands of the petitioner comes in the Group I category.

(ii) For issuance of an appropriate writ in the nature of the mandamus for directing the respondents authorities to allow dealership for selection of dealership of Retail Outlet under Indian Oil Corporation in the location within between Jalalpur and Kuchaikote on Jalalpur Kuchakote road via Siswa Block Kuchaikote, district Gopalganj under Open category open category in the name of the petitioner after selection.

(iii) For issuance of any other appropriate writ/ writs, order/ orders, direction / directions for which the writ petitioner will be found entitled in the



facts and circumstances of the case."

2. The brief facts culled out of the writ petition is that pursuant to the advertisement dated 25.11.2018 issued by the Indian Oil Corporation Limited (hereinafter called as "the IOCL") for appointment of Retail Outlet dealers, the petitioner submitted her application under the Open Category on 17.12.2018 for the location between Jalalpur and Kuchaikote Road via Siswa Block-Kuchaikote, District Gopalganj village - Chand Police Station and Block - Chand, District Kaimur (Bhabhua).

3. The case of the petitioner is that she was initially found eligible under Group-I and, being the sole eligible candidate in the said category, she was declared successful. Subsequently, by communication dated 12.01.2019, she was informed that she had been selected and was required to deposit the Initial Security Deposit and furnish relevant documents. The petitioner accordingly deposited a sum of Rs.40,000/-



towards Initial Security Deposit and submitted the requisite documents.

4. The grievance of the petitioner is that after having treated her land as falling within Group-I and after declaring her successful, the respondent Corporation, after several months, informed her that the land documents submitted by her were not valid for consideration under Group-I and that her candidature would be considered under Group-III. According to the petitioner, the land offered by her fully satisfied the eligibility criteria prescribed in the brochure and there was no justification for changing her category from Group-I to Group-III.

5. The Learned counsel for the petitioner submitted that once the petitioner had been declared successful and had deposited the Initial Security Deposit pursuant to the communication issued by the Corporation, the respondents could not have arbitrarily altered her status and cancelled her selection.

6. It was further submitted that the land



offered by the petitioner satisfied the requirements of Group-I and the respondent authorities themselves had initially verified the same and treated her candidature accordingly. It was argued that the subsequent decision declaring her ineligible under Group-I is arbitrary, unreasonable and contrary to the terms of the selection brochure.

7. It was thus contended that the impugned action of the respondent Corporation is liable to be quashed and the petitioner is entitled to grant of dealership.

8. A counter affidavit has been filed on behalf of the State respondents stating that the State and its authorities are in no manner concerned with the dispute involved in the present writ petition.

9. A detailed counter affidavit was filed on behalf of the respondent IOCL. The Learned counsel appearing for the IOCL submitted that although the petitioner had declared herself to be a Group-I applicant and was initially treated as



such on the basis of declarations made in the application form, the final scrutiny of documents revealed that the land offered by her did not satisfy the requirements prescribed under the selection brochure.

10. It was submitted that upon examination of the documents, it was found that the petitioner had offered land comprised in Khata No. 37, Plot No. 1057. The petitioner claimed eligibility on the basis of land standing in the name of her husband, Sri Awadhesh Kumar Singh. During scrutiny, the petitioner furnished four consent affidavits in Appendix-III A. Out of the four persons whose consent was relied upon, two were brothers-in-law of the petitioner.

11. The Learned counsel submitted that as per Clause 4(v)(e) of the Selection Brochure, brothers-in-law do not fall within the definition of "family unit" and, therefore, their share in the land could not be taken into consideration for determining eligibility under Group-I. After excluding the shares of the said two co-sharers,



the land owned by eligible family members did not satisfy the minimum dimension requirement of 35 meters x 35 meters prescribed in the advertisement.

12. It was further submitted that in view of Clause 4(v) of the brochure, where land offered by a Group-I or Group-II applicant is found unsuitable or not meeting the prescribed requirements, such applicant is required to be considered along with Group-III applicants. Accordingly, the petitioner's candidature was shifted to Group-III on 09.03.2019.

13. The Learned counsel further submitted that thereafter a draw of lots was conducted among Group-II applicants. However, the selected candidates under Group-II also failed to satisfy the eligibility conditions and their candidatures were subsequently cancelled. Thereafter, on 06.09.2021, all Group-III applicants, including the petitioner, were invited through e-mail to offer suitable land fulfilling the prescribed criteria within three months.

14. It was submitted that despite such



opportunity, the petitioner failed to provide suitable land within the stipulated period. Consequently, she lost the opportunity of being considered for award of dealership. It was further submitted that all applicants ultimately failed to comply with the requirements of the brochure and the selection process itself became infructuous.

15. 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, the brochure, and the requirement of 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 candidature of the petitioner has been cancelled.

16. 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), and (2) order passed in LPA No. 925 of 2012 (Mukesh Pandey Vs. The Hindustan Petroleum Corporation & Ors.).

17. 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."*

18. Having heard the Learned counsel for the parties and upon perusal of the materials



available on record, this Court finds that the principal issue which falls for consideration is whether the land offered by the petitioner satisfied the eligibility criteria prescribed for Group-I applicants.

19. The records reveal that although the petitioner was initially treated as a Group-I applicant on the basis of the declarations made in her application form, such selection was admittedly subject to verification and scrutiny of supporting documents.

20. During such scrutiny, it was found that the petitioner had relied upon the consent of two brothers-in-law for satisfying the land requirement. Admittedly, brothers-in-law do not fall within the category of family members contemplated under Clause 4(v)(e) of the Selection Brochure.

21. Once the shares of such ineligible co-sharers are excluded, the land owned by the eligible family members of the petitioner admittedly did not satisfy the minimum dimension requirement prescribed by the Corporation.



Consequently, the respondent Corporation was fully justified in holding that the land offered by the petitioner could not be treated as qualifying land under Group-I.

22. This Court further finds that the action of the respondent Corporation in shifting the petitioner's candidature to Group-III was strictly in consonance with Clause 4(v) of the Selection Brochure, which specifically provides that where land offered by applicants under Group-I or Group-II is found unsuitable or deficient, such applicants are liable to be considered along with Group-III applicants.

23. The materials available on record further indicate that after scrutiny of the applications, an e-mail dated 06.09.2021 was issued to all Group-III applicants, including the petitioner, inviting them to provide suitable land meeting the prescribed criteria within three months. The petitioner admittedly failed to furnish land fulfilling the prescribed requirements within the stipulated period.



24. In the opinion of this Court, the petitioner cannot claim any vested or indefeasible right merely on the basis of her initial selection, particularly when such selection was expressly subject to verification of eligibility documents and compliance with the terms of the Selection Brochure.

25. The legal principle laid down by the Division Bench in **M/s Indian Oil Corporation Limited** (supra) clearly mandates strict adherence to the eligibility criteria prescribed in the advertisement and the brochure. Any relaxation or deviation therefrom would result in arbitrariness and discrimination amongst similarly situated applicants.

26. In the present case, the petitioner, through the land offered by her, failed to satisfy the eligibility criteria stipulated under the Guidelines for Selection of Dealers for Regular and Rural Retail Outlets. The respondent Corporation, therefore, rightly rejected her claim for consideration under Group-I and proceeded strictly



in accordance with the Selection Brochure.

27. This Court finds no illegality, arbitrariness, procedural impropriety or jurisdictional error in the decision of the respondent Corporation communicated vide Annexure-7 warranting interference in exercise of writ jurisdiction under Article 226 of the Constitution of India.

28. Consequently, the petitioner cannot claim any enforceable right for grant of dealership on the basis of the facts of the present case.

29. For the reasons aforesaid, this Court finds no merit in the writ application.

30. Accordingly, the writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2026
Transmission Date	

