

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24190 of 2018

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Rakesh Kumar Son of Sri Ram Lal Ram Resident of Village Alampur, P.O. Alampur Via Takia Bazar, Ward No. 05, Panchayat Alampur P.S. Sheosagar District- Rohtas PIN code 821113 presently residing at Town and P.S. Sasaram, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Having its Registered Office at, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051.
2. The Indian Oil Corporation Ltd Through its General Manager Marketing (LPG Sales) 5th Floor, Lok Nayak Jaiprakash Bhawan, Dak Bunglow Chauk Fraser Road, Patna- 800001.
3. The Deputy General Manager (LPG-S) Indian Oil Corporation Ltd., Indane Area Office, Shahi Bhawan, Exhibition Road, Patna 800001.
4. The Assistant Manager (LPG-OPS) Patna BP (Field Verification Committee), Indian Oil Corporation Ltd., Shahi Bhawan, Exhibition Road, Patna.
5. The Assistant Manager Indian Oil Corporation Ltd., Patna Bottling Plant, at and P.O.- Gidha, District- Bhojpur PIN 802314.
6. Sri Arun Kumar Son of Sudama Singh Resident of Alampur, P.S.- Sheosagar, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Amit Kumar Malik, Shiw Kumar Prabhakar, Advocates
For the Respondent/s	:	Mr. Amlesh Kumar Varma, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 03-07-2026

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

“i. For issuance of an appropriate Writ / order for setting aside the letter bearing Ref.No.PAT/LPG/Alampur dt. 23.11.2018 issued by the Dy. General Manager (LPG-S) Indane Area Office, Patna,



whereby the allotment of the distributorship of LPG in village Alampur in Rohtas District vide Ref. No. IOC0231213415072017 dt.31.1.2018 to the petitioner has been cancelled and application fees of Rs. 40000/- has been forfeited;

ii. For setting aside the decision to draw fresh lottery for the distributorship at Alampur along with other places on 28.11.2018 as published in the newspaper dt. 25.11.2018;

iii. For setting aside the selection for Indane LPG distributorship to another person namely one Arun Kumar son of Sudama Singh at Alampur in place of the petitioner vide letter of selection dt 30.11.18

iv. For issuance of an appropriate Writ / order for stay of the grant of distributorship at Alampur to any other person than the petitioner during the pendency of the present petition;

v. For directing the Respondents to confirm the allotment of the



distributorship to the petitioner vide letter dt. 31.1.2018 and grant the dealership of Indane LPG to the petitioner at village Alampur;

vi. For grant of any other relief to which the petitioner may be entitled to in law."

2. The brief facts culled out of the Writ petition is that pursuant to the advertisement dated 17/18.06.2017 issued by the Indian Oil Corporation Limited (hereinafter referred to as "the Corporation") for appointment of LPG Distributors, the petitioner submitted his online application on 15.07.2017, for grant of LPG distributorship at Alampur under Sheosagar Police Station in the district of Rohtas. His application was acknowledged under Reference No. IOC0231213415072017.

3. It is submitted that upon scrutiny of the applications and draw of lots, the petitioner was declared successful and was issued a Letter of Selection dated 31.01.2018, requiring him to deposit a sum of Rs.40,000/- and to submit the



requisite documents for Field Verification of Credentials (for short "FVC"). It is submitted that the petitioner duly deposited the prescribed amount on 05.02.2018 and furnished all the documents as required under the Unified Guidelines for Selection of LPG Distributors.

4. The Learned counsel submits that during the course of field verification, the Corporation, vide letter dated 27.03.2018, informed the petitioner that the lease deed offered for the showroom and godown had been executed after the last date prescribed for submission of applications and, therefore, did not satisfy the eligibility criteria. The petitioner was, however, granted an opportunity to furnish an alternate parcel of land within seven days. Availing of the said opportunity, the petitioner offered alternate land bearing Khata No. 477, Khesra No. 341, measuring 97 decimals, belonging to his father, and submitted all supporting documents including affidavits executed by his father, genealogical records, no-objection affidavits of the co-sharers,



Land Possession Certificate (for short "LPC"), revenue receipts and other relevant documents.

5. It is contended that the only issue which arose during verification pertained to the variation in the name of the petitioner's father. According to the petitioner, after the death of his mother's first husband, namely Naresh Dusadh, she married his younger brother Suresh Ram, and consequently his father came to be known by different names, namely Ranglal Dusadh, Ram Lal Ram and Ranglal Paswan. The petitioner asserts that the said variation was fully explained through affidavits, genealogical table and other documentary evidence submitted before the Corporation. It is further submitted that the officials of the Field Verification Committee duly verified the documents so produced.

6. The Learned counsel further submits that the Corporation repeatedly sought clarification from the Circle Officer, Sheosagar, regarding the ownership of the land and the entries contained in Register-II, the Land Possession Certificate and the



revenue records. The Circle Officer, by communications dated 30.06.2018, 24.08.2018 and 25.10.2018, clarified that the discrepancies noticed in the earlier revenue records were merely clerical in nature and certified that the land stood recorded in the names of Ranglal and Suresh. It is also submitted that the concerned Revenue Clerk specifically reported that omission of one of the co-sharers from the earlier revenue receipt had occurred due to clerical inadvertence and certified the correctness of both the sets of revenue records.

7. It is the specific submission of the Learned counsel that in terms of Appendix-4 of the Unified Guidelines, all the joint owners of the land had duly executed the prescribed affidavits in support of the petitioner's candidature and, therefore, there remained no legal infirmity in the land offered by the petitioner.

8. It is contended that despite repeated clarifications furnished by the competent revenue authorities, the Corporation adopted a hyper-



technical approach by ignoring the official records and persisted with unwarranted objections regarding the identity of the landowner. According to the petitioner, the concerned Assistant Manager unnecessarily delayed the matter, compelling the petitioner to submit a representation before the General Manager (LPG), Bihar requesting personal consideration of his grievance.

9. The Learned counsel submits that without considering the aforesaid representation and without affording the petitioner any effective opportunity of hearing, the Corporation abruptly cancelled his candidature vide letter dated 23.11.2018, forfeited the security deposit of Rs.40,000/- and concluded that the petitioner had failed to establish his eligibility in respect of the alternate land offered by him. It is argued that once the competent revenue authorities had repeatedly authenticated the ownership and possession of the land and had explained the discrepancies in the revenue records, the Corporation was not justified in discarding such



official communications and rejecting the candidature merely on surmises and conjectures.

10. It is further submitted that immediately after cancelling the petitioner's candidature, the Corporation published a fresh notification in the newspaper 'Hindustan' dated 25.11.2018 fixing 28.11.2018 for a fresh draw of lots for the same location and, with unusual haste, proceeded to select another candidate, namely Arun Kumar (respondent No. 6), vide letter dated 30.11.2018. According to the Learned counsel, the entire exercise was undertaken in undue haste, thereby depriving the petitioner of an effective opportunity to seek redressal of his grievance. It is, therefore, contended that the impugned order dated 23.11.2018 cancelling the petitioner's candidature, forfeiting the security deposit and proceeding with a fresh selection process is arbitrary, unreasonable, violative of the principles of natural justice and liable to be quashed, with a consequential direction upon the Corporation to restore the petitioner's selection and grant the LPG



distributorship in accordance with law.

11. A detailed counter affidavit was filed on behalf of the respondent Indian Oil Corporation Limited. The Learned counsel appearing on behalf of the respondent-Indian Oil Corporation Limited referring to the counter affidavit, opposed the Writ petition and submitted that the impugned action of the Corporation is strictly in accordance with the Unified Guidelines for Selection of LPG Distributors, 2017 and does not suffer from any illegality, arbitrariness or procedural infirmity warranting interference under Article 226 of the Constitution of India.

12. It is submitted that pursuant to the advertisement, the petitioner had applied for LPG distributorship at Alampur and, upon being declared successful in the draw of lots, was issued a Letter of Selection dated 31.01.2018, which was expressly made subject to successful Field Verification of Credentials. During verification, it was found that the lease deed initially offered by the petitioner for the showroom and godown had



been executed on 03.02.2018, i.e., after the last date prescribed for submission of the application. Since the land did not satisfy the eligibility criteria under the Guidelines, the Corporation, by way of abundant fairness, afforded the petitioner an opportunity to furnish alternate land which satisfied the eligibility conditions as on the cut-off date.

13. The Learned counsel submits that the alternate land offered by the petitioner, bearing Khata No. 477, Khesra No. 341, also failed to satisfy the eligibility criteria. According to the Land Possession Certificate dated 27.03.2018 and the corresponding revenue receipt, the raiyat of the land was one Shri Ranglal Dusadh, whereas in the petitioner's application form, Aadhaar Card, PAN Card, Secondary School Certificate, caste certificate and other identity documents, the name of his father was consistently recorded as Ram Lal Ram. Although the petitioner sought to explain the discrepancy by producing affidavits and a genealogical table stating that Ranglal Dusadh and



Ram Lal Ram were one and the same person, the Corporation found that no reliable corroborative evidence had been produced to substantiate such claim.

14. It is further submitted that in order to ascertain the correctness of the land records, the Corporation repeatedly sought clarification from the Circle Officer, Sheosagar. While the Circle Officer initially confirmed the correctness of the Land Possession Certificate issued in favour of Shri Ranglal Dusadh, the petitioner subsequently produced another Land Possession Certificate and revenue records showing the same land jointly in the names of Ranglal and Suresh. Since such subsequent records disclosed an additional name in respect of the very same land without any disclosed mutation proceedings, the Corporation sought further clarification from the Circle Officer. The reply furnished by the Circle Officer, together with the copy of Register-II, according to the respondent, revealed inconsistencies, as the Register-II reflected Shri Ranglal Dusadh alone as



the raiyat. Despite repeated communications addressed to the Circle Officer and even to the District Magistrate seeking clarification regarding the variation in the revenue records, no satisfactory explanation or corroborative documentary evidence was forthcoming to establish that Ranglal Dusadh and Ram Lal Ram were the same person or that the alternate land fulfilled the eligibility criteria prescribed under the Guidelines.

15. The Learned counsel for the respondents accordingly submits that the petitioner failed to establish ownership or valid entitlement over the alternate land in the manner contemplated under the Unified Guidelines. Since the petitioner could not furnish suitable land satisfying the prescribed eligibility conditions despite being granted an additional opportunity, the Field Verification Committee rightly rejected his candidature on the grounds of non-fulfilment of the eligibility criteria and furnishing incorrect information. Consequently, the security deposit of



Rs.40,000/- stood forfeited in terms of Clause 26(b) of the Unified Guidelines for Selection of LPG Distributors, June, 2017.

16. It is further submitted that after cancellation of the petitioner's candidature, the Corporation proceeded with a fresh draw of lots in accordance with the Guidelines, wherein respondent no. 6, Shri Arun Kumar, was selected. Upon completion of all requisite formalities and verification, a Letter of Intent and thereafter a Letter of Appointment were issued in favour of Shri Arun Kumar/ Respondent No. 6 The distributorship has since been commissioned on 31.08.2019 and an agreement dated 04.09.2019 has also been executed between the Corporation and the selected distributor. It is, therefore, submitted that third-party rights have already accrued and no interference is now warranted.

17. It is further submitted that in view of the above-mentioned facts and circumstances, the Petitioner is not entitled to get any relief from this Hon'ble Court, and it is fit to be dismissed.



18. 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.)**.

19. 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."

20. Having heard the Learned counsel for the parties and upon perusal of the pleadings and materials available on record, this Court finds that the principal issue which falls for consideration is whether the alternate land offered by the petitioner fulfilled the eligibility criteria prescribed under the Unified Guidelines for Selection of LPG Distributors and the terms of the advertisement.

21. It is not in dispute that although the petitioner was declared successful in the draw of lots, the Letter of Selection dated 31.01.2018 was subject to successful Field Verification of Credentials (FVC) and verification of eligibility. Therefore, mere selection did not confer any vested or indefeasible right upon the petitioner to claim grant of the distributorship.

22. The records reveal that the lease deed initially offered by the petitioner was executed after the last date of submission of the application



and, therefore, the Corporation granted him an opportunity to furnish alternate land. The dispute thereafter centred around the ownership of the alternate land bearing Khata No. 477, Khesra No. 341. While the petitioner claimed that Shri Ranglal Dusadh and Ram Lal Ram were one and the same person, the Corporation found discrepancies in the supporting documents and revenue records. Repeated clarifications were sought from the Circle Officer, but the Corporation ultimately found that the petitioner had failed to produce satisfactory corroborative evidence establishing the identity of the land owner and his eligibility under the Guidelines. The impugned order dated 23.11.2018 records the reasons for arriving at such conclusion.

23. The scope of judicial review under Article 226 of the Constitution is confined to examining the legality of the decision-making process and not the merits of the decision itself. This Court does not find that the respondent-Corporation acted arbitrarily or in violation of the prescribed Guidelines. Rather, the materials on



record indicate that adequate opportunity was afforded to the petitioner to establish his eligibility before the impugned decision was taken.

24. The Division Bench of this Court in **M/s Indian Oil Corporation Limited** (supra), has held that the eligibility conditions contained in the advertisement and the Selection Brochure are required to be strictly adhered to and no relaxation can be granted, as any deviation would result in arbitrariness and discrimination amongst similarly situated candidates. The said principle squarely applies to the facts of the present case.

25. Moreover, after cancellation of the petitioner's candidature, a fresh selection process was undertaken and respondent no. 6 has already been appointed as distributor. Thus, third-party rights have also come into existence.

26. In the aforesaid facts and circumstances, this Court finds no illegality, arbitrariness or procedural impropriety in the decision of the respondent-Corporation communicated vide Annexure-12 warranting



interference in exercise of Writ jurisdiction under Article 226 of the Constitution of India. Consequently, the petitioner has failed to establish any enforceable legal right to the reliefs claimed.

27. Accordingly, the writ petition is dismissed.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2026
Transmission Date	

