
(2007) 03 RAJ CK 0021
In the Rajasthan High Court
Case No : Civil Writ Petition No. 5136 of 2004

Jambu Kumar

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 16-03-2007

Acts Referred:

Citation : (2007) 2 WLN 127

Hon'ble Judges : Gopal Krishan Vyas, J

Bench : Single Bench

Judgement

Gopal Krishan Vyas, J.—In the present writ petition the petitioner has prayed that respondent No. 3 may be restrained from starting construction and functioning of retail out-let dealership and letter of intent issued in favour of respondent No. 3 may be cancelled.

2. In the writ petition, the petitioner set out the case that in pursuance of the advertisement issued by the Indian Oil Corporation on 20.02.2004 for issuing retail out-let dealership the petitioner applied with all papers and filed his application with the respondent authorities. He was called for interview and, ultimately, the selection committee allotted dealership to respondent No. 3. It is submitted by the petitioner that upon enquiry by the petitioner from the office of the Oil India Corporation it came to his knowledge that the required land under stipulation set down by the department was 35 ? 35 mtrs on the road-side but the respondent No. 3 did not have land as per the stipulation, therefore, he did not fulfill the condition because jamabandi of only 10 biswa of land was filed. It is further submitted that as per terms and conditions no person connected with the Indian Oil Corporation is entitled to get the out-let dealership but respondent No. 3 is contractor of the Indian Oil Corporation with firm Saran & Company in which Magni Ram is also partner. It is contended by the petitioner that in an entirely arbitrary manner, in violation of the conditions of the advertisement, the out-let has been allotted to respondent No. 3 and he has been denied the same though he is entitled to it.

3. Reply has been filed by respondent No. 3 as well as Indian Oil Corporation.
4. In the reply, allegations levelled in para 6 of the writ petition are denied by the respondents. It is stated specifically in the reply to para 6 that respondent No. 3 is not partner of the firm as alleged by the petitioner and he has completed all the formalities laid down in the conditions and he is very much entitled to the dealership for the out-let.
5. Likewise, in the reply of the Indian Oil Corporation to para 6, it is specifically contended that all the allegations of the petitioner are totally unwarranted and the candidature of respondent No. 3 was rightly considered by the selection board and, the board in its wisdom has found that respondent No. 3 is more suitable, therefore, he has been declared eligible and the said dealership order was displayed on the notice board in the office of the Indian Oil Corporation on 10.09.2004. The respondents have also denied the allegation of favouritism and malafide.
6. I have heard learned Counsel for the parties and considered the rival submissions. I have also carefully perused the documents on record.
7. From Annex. R2/1, it appears that respondent No. 3 was possessed of all the eligibilities and there does not appear to be any error in it. So also, there is no specific allegation of malafide attributed to respondents. In the circumstances, there is no force in this petition.
8. The writ petition is dismissed.