

(2018) 01 JH CK 0061
In the Jharkhand High Court
Case No : 6240 of 2011

Mukesh Kumar

APPELLANT

Vs

The Union of India & Ors

RESPONDENT

Date of Decision : 06-01-2018

Acts Referred:

Citation : (2018) 01 JH CK 0061

Hon'ble Judges : Rajesh Shankar

Bench : Single Bench

Advocate : Manoj Tondon, Aditya Raman, Ragini Kumari, Amar Nath Gupta

Judgement

1. The present writ petition has been filed for quashing the letter dated 29.09.2011 (Annexure-6 to the writ petition), issued by the Indian Oil

Corporation Ltd. (in short the Corporation), whereby the candidature of the petitioner for award of the Liquified Petroleum Gas (in short LPG)

Distributorship at Garhwa (District-Garhwa) under Scheduled Caste category as per advertisement dated 03.12.2010, has been illegally rejected.

2. Learned counsel for the petitioner submits that vide the impugned letter dated 29.09.2011, the Senior Area Manager of the respondent-

Corporation rejected the candidature of the petitioner for award of LPG Distributorship at Garhwa (District-Garhwa) under Scheduled Caste

category on the frivolous ground that though the petitioner had shown Rs.5,35,381/- as balance cash deposit in the Bank account on the date of

application, yet the Field Verification Committee found that Rs.1,23,821/- was only available as balance cash deposit in the Bank account of the

petitioner. Learned counsel for the petitioner while referring to Annexure-7 to the writ petition (a photo copy of the Pass Book of the concerned

Bank account of the petitioner), submits that the same would suggest that on the date of application i.e. 21.12.2010, the balance cash deposit

maintained in the Bank account of the petitioner was Rs.05,05,881.29 and as such the said ground taken by the respondent-Corporation for

rejecting the candidature of the petitioner for awarding the LPG Distributorship at Garhwa (District-Garhwa) is illegal.

3. Per-contra, learned counsel for the respondent-Corporation submits that at the time of draw, there were only two applicants i.e. the petitioner

and the respondent No.5. After the draw, the petitioner was declared successful, but after field verification of the credentials of the individual

applicants by the two-member Committee, it was found that though the petitioner had shown cash deposit in the Bank account as Rs.5,35,381/-,

yet the cash deposit of Rs.1,23,821/- was only available in his Bank account. Accordingly, the candidature of the petitioner was rejected vide the

impugned letter dated 29.09.2011. It is further submitted that during the pendency of the present writ petition, the advertisement dated 03.12.2010

itself has been cancelled, as has been stated in paragraph 5 of the reply affidavit dated 19.07.2012 to I.A. No. 1999/2012, filed on behalf of the

respondent Nos. 2 to 4.

4. Having heard learned counsel for the parties and, particularly, considering the fact that the advertisement in question itself has been cancelled by

the respondent-Corporation, no effective order can be passed by this Court. However, the petitioner shall have the liberty to participate in any

future advertisement made by the respondent- Corporation for awarding the LPG Distributorship at Garhwa (District- Garhwa).

5. The present writ petition is disposed of with the aforesaid observation.

6. Consequently, I.A. No. 1999/2012 also stands disposed of.