
(2007) 02 PAT CK 0049
In the Patna High Court
Case No : CWJC No. 10832 of 2006

Suresh Singh

APPELLANT

Vs

Indian Oil Corporation and Another

RESPONDENT

Date of Decision : 12-02-2007

Acts Referred:

Citation : (2007) 2 PLJR 791

Hon'ble Judges : Mridula Mishra, J

Bench : Single Bench

Advocate : Siya Ram Shahi, for the Appellant; Kali Das Chatterjee and Amlesh Kr. Verma for Respondent No. 1 and M/s. Pushkar Narain Shahi and Ritesh Kumar No. 1 for Respondent No.2, for the Respondent

Judgement

Mridula Mishra, J.—Heard the counsel for the petitioner and the counsel appearing for respondent no. 2 as well as counsel appearing for Indian Oil Corporation, respondent no.1. Petitioner has filed this application for a direction to the authority of Indian Oil Corporation to consider his candidature for appointment as operator of Kisan Seva Kendra for village Lai under Bihta block of Patna District. The candidature of the petitioner has been rejected by the authorities of Indian Oil Corporation on the ground that the petitioner does not fulfil the eligibility criteria as residential certificate has not been filed along with the application.

2. Petitioner's case is that in response to the advertisement dated 7.12.05 published by the Indian Oil Corporation for appointment of operator for Kisan Seva Kendra, for village Lai at block level, petitioner also submitted his application. One of the eligibility criteria for being appointed as operator for Kisan Seva Kendra was that the person must be a resident of that very place. In support of this eligibility criteria, a residential certificate issued by a competent authority was to be furnished. To meet this criteria, the petitioner enclosed the photo-copy of the identity card issued by the Election Commission of India to show that he is a resident of the Patna District. His application has been rejected

- on the ground of non-furnishing eligibility criteria, regarding residential certificate.
3. The question for consideration is whether photo-copy of the identity card issued by the Election Commission of India can be a substitute for a residential certificate duly issued by a competent authority. The competent authority for issuing residential certificate is the Revenue Officer of the concerned block and district. Only revenue authorities have been authorised to issue residential certificate, for the reason that such certificates are issued after holding an inquiry regarding the fact that the person concerned, in fact reside in that area, on permanent basis. In case of photo-copy of identify card issued by the Election Commission of India, admittedly no inquiry is held for certifying that the person concerned is a resident of that area. The address is given on the basis of the address supplied by the person concerned. In this view of the matter, it cannot be held that photo-copy of the identity card, in any way can be a substitute for a residential certificate issued by any competent authority.
 4. Counsel for the petitioner has relied upon a decision reported in 1989 PLJR 959 in which the application of a candidate for admission in a institution was rejected for the reason that residential certificate was not annexed. It has been decided that since submission of those documents were simply directory and not mandatory, the authority concerned should have given an opportunity to the applicant for furnishing the same.
 5. Petitioner's case is that the authorities of the Indian Oil Corporation should have intimated him and given some opportunity for furnishing residential certificate instead of rejecting his candidature.
 6. I find that the facts of present case and the facts of the case in the reported decision i.e. 1989 PLJR 959 are not identical. Circumstances are also different. As such, it has no application.
 7. Mr. Chatterjee, counsel for the Indian Oil Corporation has stated that though it is not mentioned in the Advertisement that who is the competent authority for issuing residential certificate but as per the guidelines of the Indian Oil Corporation, the certificate issued by the revenue authorities, after inquiry can only be accepted as Residential Certificate.
 8. I find that respondent no. 2 was selected as he fulfilled all criteria besides submitting Residential Certificate. Respondent No. 2 was found to be more eligible.
 9. Considering the fact that the requisite criteria for eligibility was not fulfilled by the petitioner, candidature of the petitioner has been refused by the Indian Oil Corporation. I do not find any reason for interfering with the decision of the Indian Oil Corporation. This application is disposed of.