



GAHC010097262019

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2897/2019

AKLIMA KHATUN
W/O. NOUSAD ALI, D/O. ABUL KALAM AZAD, VILL. KACHUMARA, P.O.
KACHUMARA, P.S. KACHUMARA, DIST. BARPETA, ASSAM-781032.

VERSUS

INDIAN OIL CORPORATION AND 3 ORS.
REP. BY ITS CHAIRMAN, INDIAN OIL BHAWAN, G-9, ALI YAVAR JUNG
MARH, BANDRA (E), MUMBAI-400051.

2:THE CHIEF GENERAL MANAGER

INDIAN OIL CORPORATION LTD.
INDIAN OIL-ADO STATE OFFICE
SECTOR-III
P.O. NOONMATI
GUWAHATI-781020.

3:THE CHIEF AREA MANAGER

INDIAN OIL CORPORATION LTD.
INDANE AREA OFFICE
BAMUNIMAIDAN
GUWAHATI
DIST. KAMRUP (M)
PIN-781021.

4:MUSTT. FULMATI NEESSA

W/O. JUL HAQUE
R/O. VILL. KACHUMARA
P.O. KACHUMARA
P.S. KACHUMARA



DIST. BARPETA
ASSAM-781032

Advocate for the Petitioner : MR. S N TAMULI

Advocate for the Respondent : SC, I O C

BEFORE

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

For the Petitioner : Shri SN Tamuli, Advocate.

For the Respondents : Shri P Bardwaj, SC, OIL, and
Shri I Haque, Advocate for R/4.

Date of Hearing : 06.03.2024.

06.03.2024

Judgment & Order

Heard Shri SN Tamuli, learned counsel for the petitioner. Also heard Shri P Bhardwaj, learned Standing Counsel, Indian Oil Corporation (Corporation) whereas Shri I Haque, learned counsel has appeared for the respondent no. 4.

2. The subject matter of challenge in this writ petition is the selection and allotment of LPG Gramin Distributorship in the name of the respondent no. 4.

3. As per the case projected, a notice was published in the Asomiya Pratidin in its issue dated 25.07.2018 for allotment of LPG Gramin Distributorship in various locations, including Kachumara NC in the district of Barpeta. The



eligibility criteria have been laid down and one of the criteria is that the candidate should have the minimum qualification of 10th standard.

4. It is the specific case of the petitioner that though the respondent no. 4 was selected by draw of lots and subsequently given the allotment, she did not meet the said criterion.

5. Shri Tamuli, learned counsel for the petitioner has submitted that having come to learn about the non-fulfillment of the said eligibility criterion by the respondent no. 4, the petitioner had submitted a representation on 25.09.2018 which, however, was not responded to and thereafter she has filed this present writ petition.

6. Additionally, the learned counsel submits that subsequent to filing of this petition, she has also obtained certain documents from the competent authority by taking the aid of the Right to Information Act which would substantiate the allegation made by the petitioner.

7. *Per contra*, Shri Bhardwaj, learned Standing Counsel of the Corporation has, at the outset, denied of receipt of any representation. The learned Standing Counsel, however, submits that irrespective of the fact that no such representation has been received, it is a part of the procedure prescribed to do field verification with regard to the credentials of the candidates. He clarifies that the candidates have to face a draw of lots and the candidate who comes successful in such draw of lots, his/her credentials are verified by the Corporation. By drawing the attention of this Court to the affidavit-in-opposition



filed by the Corporation on 30.05.2019, Shri Bhardwaj, learned Standing Counsel has submitted that on 14.09.2018, a communication was issued to the Headmaster of the concerned School with regard to verification of the educational qualification of the respondent no. 4. The said communication was responded to by the Headmaster of the concerned school on 21.09.2018 by stating that the respondent no.4 had, indeed passed the HSLC examination from the said school in the year 1995. The Corporation had also procured the mark sheet of the respondent no. 4. It is, accordingly submitted that on 12.11.2018, the Letter of Intent was issued in favour of the respondent no. 4. The learned Standing Counsel submits that there is no foundation of the allegation made by the petitioner and therefore, the writ petition ought to be dismissed.

8. Endorsing the submissions of Shri Bhardwaj, learned Standing Counsel of the Corporation, Shri Haque, learned counsel for the respondent no. 4 has submitted that an affidavit-in-opposition has been filed on 14.12.2022. The learned counsel has referred to the HSLC passed certificate, the transfer certificate as well as the mark sheet of the respondent no. 4 and accordingly submits that the entire allegation has been made without any basis and therefore, the writ petition is required to be dismissed. He further submits that in terms of the Letter of Intent dated 12.11.2018, the respondent no. 4 has started the business and is running the same without any hindrance.

9. In his rejoinder, Shri Tamuli, learned counsel for the petitioner has submitted that though time was granted to him by this Court vide the order dated 04.04.2023 to file rejoinder-affidavit, due to inadvertence, such affidavit could not be filed. He, however, submits that he is in possession of certain

relevant documents which he had procured from the authorities by invoking the Right to Information Act. He submits that one communication has been obtained from the SEBA and the other is of the Headmaster of the concerned school and both the communications, as per the learned counsel for the petitioner, would show that the documents of the respondent no. 4 *prima facie* are forged documents.

10. The rival contentions have been considered.

11. The writ petition was structured and presented with the allegation that the respondent no. 4 did not meet the eligibility criteria of matriculate as per Clause 4 of the advertisement dated 25.05.2018. No documents as such were annexed in writ petition. The aforesaid averments have been denied both by the Corporation and the respondent no. 4 in their respective affidavits-in-opposition.

12. Shri Bhardwaj, learned Standing Counsel has clarified that irrespective of the fact of receipt of any complaint regarding the non-fulfillment of eligibility criteria by a selected candidate, a field verification is done in every case and in the present case also, the relevant documents regarding the educational qualification were obtained from the Headmaster of the concerned school. The mark sheet of the matriculate examination of the respondent no. 4 was also obtained. He, therefore, submits that the allegation on which the present challenge has been structured *prima facie* appears to be without any foundation.

13. The private respondent in her affidavit has not only annexed the mark

sheet and the transfer certificate but has also annexed the HSLC certificate.

14. Under those circumstances, this Court is not in a position to accept the submission of the petitioner regarding the non-fulfillment of the eligibility criteria by the respondent no. 4 mainly with regard to the educational qualification.

15. Shri Tamuli, learned counsel has, however, strenuously contended that the documents which the petitioner has subsequently obtained would show that there is a foundation in the allegations made by the petitioner.

16. Even if the said submission is considered, an allegation of fraud, perhaps cannot be gone into by this Court which is not a court of facts. This Court is only required to examine/scrutinize the decision making process and in the present decision making process, this Court has found that the relevant factors have been taken into consideration on objective standards and only after the verification exercise was done, the Letter of Intent was issued on 12.11.2018.

17. In view of the aforesaid circumstances, this Court does not find any merit in the present writ petition and accordingly, the same is dismissed.

18. The dismissal of the writ petition, however, shall not preclude the petitioner to approach the appropriate authority for redressal of her grievance wherein she claims to have been in possession of materials to substantiate the allegation of use of forged documents. It is, however, also clarified that in case, such challenge is made, the same has to be examined by the appropriate



authority strictly in accordance with law and on its own merits.

JUDGE

Comparing Assistant