IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.140 of 2025

In

Civil Writ Jurisdiction Case No.12241 of 2018

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Binod Kumar Mishra S/o Sri Kamla Kant Mishra, Resident of Village- Simri, P.S.- Simri, District- Buxar.

... ... Appellant/s

Versus

1. The Indian Oil Corporation Ltd. Regd. Office, G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai -400051
2. The General Manager G.M. Vigilance Indian Oil Corporation, 3079/3 Sadig Nagar, J.B. Titto Marg, New Delhi
3. The Senior Vigilance Manager, Indian Oil Corporation, Indian Oil Bhawan, Mumbai.
4. The Executive Director HR Appellate Authority, Indian Oil Corporation Ltd. Mumbai.
5. The Chief Divisional Manager, Indian Oil Corporation Ltd. Marketing Division, Patna Divisional Office, Maurya Lok Complex, Patna 800001
6. Dealers Selection Board, Patna-II, through its Non Member Secretary, Batika, Kurji More, Industrial Estate Road, Patna
7. The Deputy Manager Sales, Patna-2 Sales Area, Indian Oil Corporation Ltd. Marketing Division, Marketing Division, Maurya Lok Complex Dak Bunglow Road, Patna
8. Central Public Information Officer-cum-General Manager, Indian Oil Corporation Ltd. M.D. Patna.
9. Lab Technician, Market Test, Indian Oil Corporation Ltd. M.D. Patna.
10. Prop. Punam Kumari through Punam Kumari, W/o Not known, C/o Proprietor Baba Brahmeshwar Nath Feeling Station, Brahampura P.O.P.S.- Brahmpur, District- Buxar.
11. The Union of India through the Secretary, Ministry of Oil and Natural Gas, Govt. of India, New Delhi.

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate Ms. Dimpal Kumari, Adv.
For the Respondent/s	:	Mr. Additional Solicitor General Mr. Anil Kumar Jha, Sr. Adv. Mr. Ankit Katriar, Advocate Mr. Mithlesh Kumar Gupta, Adv. Mr. Sanat Kumar Mishra, Adv. Mr. Anil Kumar Jha, Sr. Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA)

Date :20-02-2026

Heard the parties.

2. The present Letters Patent Appeal is directed against the judgment and order dated 13.12.2024 passed in CWJC No. 12241 of 2018, whereby the learned Single Judge has been pleased to dismiss the writ petition filed by the appellant.

The main ground of challenge is that the learned Single Judge has erred in holding that no irregularity was committed by the respondent Indian Oil Corporation Ltd. (IOCL) in selecting Respondent No. 10 for the dealership in question.

3. Learned counsel for the appellant submits that the genesis of the dispute lies in the advertisement dated 31.10.1999 inviting applications for grant of SKO/LDO dealership at Brahmpur, District Buxar. The selection process initially culminated in the placement of Respondent No. 10 at Serial No. 1. The matter was subjected to judicial scrutiny and ultimately travelled up to the Hon’ble Supreme Court, which by order dated 21.04.2008 (Annexure: 1) directed reconsideration of the matter by the District Selection Committee on the basis of materials already on record. Pursuant thereto, fresh interviews were conducted in July 2008 and a select list dated 25.07.2008 was published,

wherein once again Respondent No. 10 was placed at Serial No. 1 and the appellant at Serial No. 2.

4. Learned counsel for the appellant submits that the core issue which arises for consideration in the present appeal is whether Respondent No. 10 suppressed material facts relating to pendency of a criminal case at the time of submission of the application form and at the time of swearing the affidavit dated 22.07.2008. It is submitted that the impugned judgment has failed to appreciate that the selection stood vitiated at its inception on account of deliberate non-disclosure of material information.

It is submitted that Clause 4 of the advertisement and Paragraph 20 of the application form specifically mandated disclosure regarding pendency of any criminal case, framing of charges, and conviction. The eligibility guidelines clearly stipulated that candidates convicted of offences involving moral turpitude or economic offences, as well as those against whom charges have been framed by a competent court, would not be eligible for dealership. The conditions further provided that any incorrect or false statement at any stage would render the candidature liable to rejection and, if appointed, the dealership liable to termination.

5. Learned counsel for the appellant further submits that Buxar Town P.S. Case No. 197/1989 was admittedly pending against Respondent No. 10. Cognizance of offence had been taken and charges had been framed on 16.03.2007. It is further submitted that at the relevant point of time, Respondent No. 10 had been declared as an absconder by the competent court, and therefore, the proceedings had not progressed in the ordinary course. It is emphatically submitted that despite full awareness of the pendency of the said criminal case, Respondent No. 10, in her application form as well as in the affidavit dated 23.07.2008 (Annexure: 15), categorically declared that no criminal case was pending against her and that no charges had been framed by any court. The language of the affidavit is unequivocal and leaves no scope for ambiguity. Such declaration is factually incorrect and amounts to a clear case of suppression and misrepresentation.

6. It is further submitted that the learned Single Judge has erroneously confined the consideration to the aspect of conviction and has failed to appreciate that the requirement of disclosure was much wider. The obligation was not limited to disclosure of conviction alone, but extended to disclosure of pendency of criminal proceedings and framing of charges. Even assuming arguendo that conviction had not been recorded at the

relevant time, the non-disclosure of the pendency of proceedings itself constitutes a material violation of the eligibility conditions. The affidavit dated 23.07.2008 was furnished pursuant to the direction of the Hon'ble Supreme Court in the earlier round of litigation, when the matter was reconsidered. The purpose of obtaining a fresh affidavit was to ensure transparency and strict compliance with eligibility norms. Furnishing a false affidavit in such circumstances strikes at the very root of the selection process and renders the selection non est in the eye of law.

7. Learned counsel further submits that it is a settled proposition of law that fraud and suppression of material facts vitiate all proceedings. When a candidate seeking public dealership, suppresses facts within his/her exclusive knowledge, the authority is misled into granting a benefit which would otherwise not have been conferred. Such misrepresentation cannot be cured by lapse of time or subsequent developments. It is contended that the learned Single Judge has also erred in placing reliance upon the alleged investment made by Respondent No. 10 in the dealership. It is submitted that equity cannot operate in favour of a person who has obtained a benefit by suppression of material facts. Moreover, the finding regarding substantial investment is factually incorrect, as the retail outlet is run and

managed by the Oil Corporation itself. Even otherwise, equity cannot override statutory or contractual disqualifications.

8. Learned counsel further submits that the eligibility guidelines expressly provide that if any statement made in the application or documents submitted therewith is found to be incorrect or false, the dealership is liable to be terminated without assigning any reason. The conditions are mandatory in nature and leave no scope for discretionary relaxation once suppression is established. It is respectfully submitted that the learned Single Judge has failed to appreciate that the respondent's declaration that "no allegation of any kind is pending before any criminal court" was a categorical assertion, which stands contradicted by the judicial record of the pending criminal case and framing of charges. Such a false statement goes to the root of eligibility and is not a mere technical lapse. When material information is withheld in breach of explicit conditions, the resultant selection stands vitiated irrespective of comparative merit or marginal difference in marks. The appellant's challenge is not based merely on inter se ranking, but on the legality and validity of the very selection of Respondent No. 10.

9. It is further contended that the impugned judgment suffers from misappreciation of material documents, erroneous

interpretation of eligibility conditions, and failure to apply settled principles governing suppression of material facts and thus, the selection of Respondent No. 10 is vitiated by deliberate non-disclosure and filing of a false affidavit, and therefore, the impugned judgment and order dated 13.12.2024 is liable to be set aside and the dealership granted in favour of Respondent No. 10 deserves to be cancelled in accordance with the governing guidelines and settled principles of law.

10. While assailing the decision of IOCL of having selected respondent No. 10 for the dealership in question on the ground that the respondent No. 10 had suppressed vital facts, which clearly violated Clause 4 of the advertisement, learned Senior Counsel appearing for the appellants also tried to countenance the argument that even if the disqualification didn't get attracted on strict interpretation of Clause 4 of the advertisement, but by not disclosing about the pendency of the criminal case as on the date of submitting the application form, the respondent No. 10 has clearly violated Clause 10 of the advertisement, which required the application form and enclosure to be complete in all respects. He, therefore, submitted that the learned single judge failed to consider this aspect of the matter and incorrectly confined the entire adjudication of the case only with

respect to alleged violation of Clause 4 of the advertisement. The decision of the IOCL to select respondent No. 10 for dealership and the decision of the learned single judge was ,therefore, not correct, thereby requiring interference.

11. Learned counsel for Respondent No. 10 points out that the said advertisement was a re-advertisement of the earlier notification dated 18.05.1998 published in newspapers and 30.05.1998 in Employment News. As per the terms of the advertisement, candidates were required to fulfill the eligibility criteria as on the last date of submission of application. The appellant and Respondent No. 10 were among the applicants.

It is submitted that after evaluation of the applications and interviews conducted by the Dealer Selection Board, marks were awarded under various prescribed parameters. A merit panel was prepared on the basis of total marks obtained, wherein Respondent No. 10 secured the highest marks and was placed at Rank No. 1. Upon due verification of her documents and credentials, and finding no error or shortcoming in her application, she was appointed as Retail Outlet dealer. It is further submitted that following her appointment, the outlet was commissioned and Respondent No. 10 made substantial investments towards obtaining statutory NOCs, licenses, and development of

infrastructure. Except for a brief interruption pursuant to court proceedings, she has been operating the retail outlet successfully for nearly twenty-five years.

12. Learned counsel for the Respondent.10 further submits that the initial selection of Respondent No. 10 was challenged by one Jai Prakash Pandey, who had secured second rank in the merit panel, primarily on the ground that his father had provided land to the Corporation and, therefore, he ought to have been selected. It is submitted that the allotment of land and selection of dealer were two distinct and independent transactions under the advertisement. The matter ultimately reached the Hon'ble Supreme Court, which by order dated 21.04.2008 directed the competent authority of IOCL to reconsider the matter by taking into account all materials already on record and those to be placed by the parties.

13. In compliance with the directions of the Hon'ble Supreme Court, the parties were called upon vide letter dated 04.07.2008 to submit fresh affidavits and produce original documents earlier submitted with the application. It is emphasized that eligibility was to be determined on the basis of documents existing at the time of the original application. Respondent No. 10 accordingly submitted her fresh affidavit dated 23.07.2008 along

with original documents. In the said affidavit, she declared that no court of law had framed charges against her nor had she been convicted of any criminal offence involving moral turpitude or economic offence.

14. Learned counsel further submits that pursuant to reconsideration, fresh interviews were conducted and a new merit panel dated 25.07.2008 was prepared, wherein Respondent No. 10 was again placed at Rank No. 1. The dealership was accordingly revived, and since then she has continued to operate the outlet. It is further submitted that the appellant thereafter filed CWJC No. 10224 of 2009 challenging the selection on the ground of alleged pendency of a criminal case against Respondent No. 10. The writ petition was disposed of by order dated 30.01.2015, wherein this Court declined to grant the relief sought and merely granted liberty to the petitioner to approach the IOCL authorities to satisfy them regarding alleged disqualification. It is contended that the said order virtually rejected the substantive challenge to the selection.

Pursuant to the liberty granted, the appellant made representations before the Corporation. After conducting due enquiry and examining the materials on record, the competent authority of IOCL, namely the Deputy General Manager (Retail Sales), passed a reasoned order dated 20.12.2017 holding that no

charges had been framed against Respondent No. 10 as on the date of submission of affidavit and, therefore, the allegation of filing a false affidavit was not substantiated.

15. Learned counsel submits that the present writ petition, which culminated in the impugned judgment dated 13.12.2024, was directed against the aforesaid order of the Corporation dated 20.12.2017. The learned Single Judge, upon detailed consideration of the facts and governing conditions, dismissed the writ petition by a reasoned order.

With respect to the eligibility criteria, it is submitted that Clause 11 of the Selection Brochure and Clause 4 of the Advertisement prescribed disqualification only in cases where a candidate had been convicted for offences involving moral turpitude or economic offences, or where charges had been framed by a competent court. It is contended that as on the date of submission of application in the year 2000, no charge had been framed against Respondent No. 10 and she had never been convicted.

16. Learned counsel clarifies that Buxar P.S. Case No. 197/1989 was registered when Respondent No. 10 was a juvenile. Although a charge sheet had been submitted in 1990, the matter was subsequently transferred to the Juvenile Justice Board. Charge

was framed against her only on 05.07.2018, long after submission of the application and the 2008 reconsideration process. Ultimately, she was exonerated by order dated 06.03.2020 passed by the Juvenile Justice Board. Therefore, at the relevant time, no charge had been framed nor was she convicted.

Addressing the issue of Clause 20 of the application form, learned counsel submits that Respondent No. 10 furnished the affidavit strictly in accordance with the Selection Brochure and Advertisement. It is stated that there was an inadvertent typographical variation in the Hindi version of the application form, which differed from the terms contained in the Brochure and Advertisement and in place of *"Kya aap kabhi kisi aapradhik Kritya jisme Chartraheenta wa /ya aarthik apraadh (swatantrta-sangram se bhinna) ke doshi paye gaye hai ya aapke viruddh nayayalaya me koi mamla lambit hai jisme nyayalaya dwara aap par koi aarop lagaye gaye hain yadi aisa hai to kripya uska vivran de. Aur agar aisa nahi hai to parishisht A ke anusar shapath patra snlagna kare",* inadvertently due to typing mistake *"Kya aap sabhi kisi aapradhik Kritya jisme Chartraheenta wa /ya aarthik apraadh (swatantrta sangram se bhinna) ke doshi paye gaye hai ya aapke viruddh nayayalaya me koi mamla lambit hai ya nyayalaya dwara aap par koi aarop lagaye gaye hain? yadi aisa*

hai to kripya uska vivran de. Aur agar aisa nahi hai to parishisht A ke anusar shapath patra snlagna kare" was typed. Upon seeking clarification, she was advised to follow the terms of the Brochure and accordingly she wrote "Aisa Nahi Hai" (it is not so) and furnished the affidavit, as no charges had been framed nor was she convicted as on the relevant date.

17. Learned counsel further submits that even subsequently, when charge was framed by the Juvenile Justice Board in 2018, Respondent No. 10 was tried as a juvenile and ultimately exonerated. It is contended that under Section 19 of the Juvenile Justice (Care and Protection of Children) Act, 2000, even a conviction of a juvenile does not entail disqualification. The legislative intent is to prevent stigma and future prejudice to juveniles. It is also submitted that allegations regarding malpractice, marker test failure, and blacklisting of truck tanker are factually incorrect and stand negated by replies furnished by the Corporation under the Right to Information Act. It is further contended that the issue regarding alleged pendency of criminal case had already been raised in the earlier writ petition and no substantive relief was granted. The liberty granted was limited to approaching the authorities, which was duly considered and

decided by a reasoned order. Therefore, the present proceedings were not maintainable.

It is lastly submitted that the competent authority of IOCL, after considering the representation of the appellant, passed a detailed order dated 20.12.2017 finding no illegality or suppression on the part of Respondent No. 10. The learned Single Judge, upon independent examination, affirmed the same. There is no perversity, illegality, or jurisdictional error warranting interference in intra-court appeal. The present Letters Patent Appeal, therefore, is devoid of merit and is liable to be dismissed.

18. Learned counsel for the Respondent N0.1 –IOCL submits at the outset that upon perusal of the exoneration order dated 06.03.2020 passed by the learned Juvenile Justice Board (Annexure R/10-2), certain foundational facts are not in dispute. It is not disputed that a chargesheet dated 09.02.1990 had been filed against Respondent No. 10 and others, and that cognizance was taken. However, it is emphasized that charges against Respondent No. 10 were framed only on 05.07.2018, which is much subsequent to the submission of her first affidavit dated 13.10.2000 and the second affidavit dated 23.07.2008. Thus, as on the relevant dates of declaration, no charges had been framed against her.

Learned counsel further submits that IOCL confines its submissions to the core issues arising in the present appeal, which may be considered under three broad heads: (i) the effect of remand by the Hon'ble Supreme Court in 2008 and the requirement of fresh affidavits; (ii) the precedence of the Brochure and Advertisement over the Application Form; and (iii) the bar of delay and laches disentitling the appellant to any discretionary relief.

19. Learned counsel appearing on behalf of IOCL submits that after the matter was remanded by the Hon'ble Supreme Court by judgment dated 21.04.2008 for fresh consideration, the entire process stood reopened and, in effect, the slate was wiped clean. After remand, IOCL required fresh affidavits in a prescribed format. Notably, the format supplied in 2008 did not require any declaration regarding "pendency of a case" but was confined to conviction and framing of charges. Respondent No. 10 furnished her fresh affidavit dated 23.07.2008 in compliance with the format provided.

It is contended that once fresh affidavits were sought and furnished pursuant to the directions of the Hon'ble Supreme Court, any alleged infirmity in the earlier affidavit of the year 2000 lost relevance. The eligibility of the candidates was reconsidered

on the basis of the documents and declarations furnished in the fresh process of 2008.

20. Learned counsel further submits that IOCL, being the authority conducting the selection, did not attach determinative significance to any additional or variant wording in Column 20 of the application form. This is evident from the reasoned order dated 20.12.2017 passed by the competent authority, wherein the issue of pendency of a case was examined and it was concluded that no false affidavit had been submitted. The said order demonstrates IOCL's considered view that the additional reference to "pendency" in the application form had no bearing when measured against the governing eligibility clauses.

It is also submitted that in matters of selection for dealership, the Selection Brochure and Advertisement constitute the governing framework. In the absence of any statutory rules, the Brochure partakes the character of binding guidelines and operates as the controlling instrument regulating eligibility. Clause 11 of the Brochure delineates only two disqualifying circumstances: (i) conviction for any criminal offence involving moral turpitude and/or economic offence (other than freedom struggle), and (ii) cases where charges have been framed by a competent court (other than freedom struggle). The Advertisement dated 01.09.2000

mirrors the same stipulations in Clause 4 and does not expand the scope of disqualification beyond what is contained in the Brochure.

21. Learned counsel submits that it is a settled principle that an advertisement or application form cannot prescribe conditions inconsistent with or beyond the governing guidelines. Therefore, if there appears to be any variation in the wording of Column 20 of the application form referring to “pendency of a case,” such wording cannot override or enlarge the eligibility criteria set out in the Brochure and Advertisement. IOCL, being the author of the selection documents, is best placed to interpret and understand its own requirements. Reliance is placed upon the authoritative pronouncement of the Hon’ble Supreme Court in **Caretel Infotech Ltd. v. HPCL** reported in **(2019) 14 SCC 81**, wherein it has been held that the author of the document is the best person to appreciate its requirements and courts should exercise restraint in substituting their own interpretation for that of the authority, unless the decision is arbitrary or perverse.

It is argued that IOCL’s interpretation, as reflected in its order dated 20.12.2017, that only conviction or framing of charges would attract disqualification, deserves deference and ought not to be interfered with in writ or intra-court appellate jurisdiction.

22. Learned counsel further submits that even assuming, without admitting, that the appellant's contention has some substance, no relief can be granted at this stage in view of gross delay and laches attributable to the appellant. The re-selection of Respondent No. 10 took place on 25.07.2008, yet the appellant approached this Court by filing CWJC No. 10224 of 2009 only on 25.08.2009, after a lapse of more than one year. Thereafter, upon disposal of the writ petition on 30.01.2015 granting liberty to approach IOCL, the appellant filed a representation on 24.02.2015 but did not pursue the matter diligently. A reminder was submitted only on 09.09.2017, after a further lapse of approximately two and a half years. During this prolonged period of inaction, Respondent No. 10 continued to operate the retail outlet and substantial investments had already been made in infrastructure, statutory compliance, and operations. The position has thus been irreversibly altered.

Reliance is placed on the judgment in ***Kaushal Kishore v. Union of India (2000 (2) PLJR 475),*** wherein it was held that even if some infirmity exists, the Court may decline relief where the position has become irreversible due to delay and substantial investments have been made. Further reliance is placed on the decision in ***Ramanna Dayaram Shetty v. International Airport***

Authority (1979) 3 SCC 489, wherein the Hon'ble Supreme Court held that where a party allows time to elapse and the selected candidate alters position by incurring expenditure, it would be inequitable to set aside the selection.

23. Learned counsel submits that the appellant has, on more than one occasion, slept over his alleged rights and cannot now seek to unsettle a long-standing arrangement. The extraordinary discretionary jurisdiction under Article 226, and by extension in Letters Patent Appeal, ought not to be exercised in favour of a litigant guilty of unexplained delay. It is further submitted that in the earlier writ proceedings, the primary grievance was related to violation of Clause 4 of the advertiseent as pleaded by the appellant in the earlier writ. This fact is further evident from the stand taken by the appellant in the written submissions, but the plea regarding violation of Clause 10 of the advertisement was developed subsequently during oral submissions. This conduct reflects an attempt to shift grounds and reopen settled issues, which ought not to be countenanced. It is, therefore, respectfully submitted that the present Letters Patent Appeal is devoid of merit and is liable to be dismissed.

ISSUES IN QUESTION:

1. Whether, under Clause 4 of the advertisement dated 01.09.2000, the mere pendency of a criminal case—where charges had not been framed as on the date of submission of the application—renders a candidate ineligible for allotment of a retail outlet dealership?

2. Whether, in case of any apparent variance between the eligibility conditions set out in the advertisement and the wording contained in the application form, the advertisement constitutes the governing instrument, or whether the application form can independently enlarge the scope of disqualification?

3. Whether the decision of the Indian Oil Corporation disposing of the appellant's representation, pursuant to liberty granted in the earlier round of litigation, suffers from arbitrariness, illegality, or non-application of mind so as to warrant interference in appellate jurisdiction?

4. Whether, in the facts and circumstances of the case, including the lapse of time, operationalisation of the retail outlet, and substantial investments made by Respondent No. 10, the learned Single Judge rightly declined to grant relief on equitable considerations, and whether such exercise of discretion warrants interference in this Letters Patent Appeal?

5. Whether the appellant is entitled to raise, in the present Letters Patent Appeal, a new plea of violation of Clause 10 of the advertisement, which was neither pleaded nor urged in the earlier proceedings, or whether such plea is barred by the doctrine of constructive res judicata and the principle of finality of pleadings?

FINDINGS ON ISSUE NO.1

1. Whether, under Clause 4 of the advertisement dated 01.09.2000, the mere pendency of a criminal case—where charges had not been framed as on the date of submission of the application—renders a candidate ineligible for allotment of a retail outlet dealership?

Upon a careful re-appreciation of the factual matrix, the rival submissions and the reasoning contained in the impugned judgment, it becomes clear that the controversy under Clause 4 of the advertisement dated 01.09.2000 cannot be decided merely by isolating the expression “pendency of a criminal case” from its contextual and textual setting. The appellant’s principal contention, as urged before the learned Single Judge and reiterated in this appeal, is that since a criminal case had been registered and cognizance taken prior to the submission of the application, the ineligibility under Clause 4 stood automatically attracted,

irrespective of whether charges had been framed. The submission proceeds on the premise that the term “pendency” must be given its widest possible amplitude. Respondent no. 10, who is presently operating the retail outlet, and the Indian Oil Corporation have, however, consistently contended that Clause 4, when read as a whole and in the light of the scheme of the advertisement, does not contemplate automatic disqualification at a mere preliminary stage of proceedings, and that the authority was required to assess whether the nature and stage of the criminal case were such as to attract the intended bar.

The impugned judgment, which is detailed and reasoned, records that as on the cut-off date, though a criminal case had been registered, charges had not been framed against respondent no. 10 and the matter had not crystallised into a stage where culpability could even prima facie be inferred. The learned Single Judge examined the language of Clause 4 and observed that eligibility clauses, particularly those which operate as disqualifications, must receive a strict construction. It was noticed that the object of such a clause is to exclude persons whose involvement in serious criminal proceedings casts a real and substantial doubt on their suitability. A mechanical or literal

construction divorced from context would defeat both fairness and proportionality.

It is well settled that disqualification clauses in public notices must be construed strictly and not expansively. In ***Ramana Dayaram Shetty v. International Airport Authority of India, (1979) 3 SCC 489***, the Supreme Court emphasised adherence to declared norms; however, the same line of authority also mandates that conditions must be interpreted as they are written and not extended by implication. If Clause 4 does not expressly stipulate that mere registration of an FIR or pendency at a pre-charge stage results in automatic ineligibility, the Court cannot supply such words. The decision underscores that pendency by itself is not a uniform or inflexible ground of disqualification in every context; the employer or authority must consider the attendant circumstances.

Learned Senior Counsel for the appellant has relied upon ***Ramchandra Singh v. Savitri Devi & Ors : (2003) 8 SCC 319*** to invoke the principle that fraud vitiates all acts; ***Krishnamoorthy v. Shivakumar & Ors (2015) 3 SCC 467*** to contend that non-disclosure of material facts amounts to fraud; ***Mohinder Singh Gill v. Chief Election Commissioner : (1978) 1 SCC 405*** to submit that an order must stand or fall on the reasons

recorded therein; and ***Kunwar Pal Singh (Dead) by LRS v. State of U.P. & Ors. : (2007) 5 SCC 85*** to emphasise that a statutory act must be performed in the prescribed manner. The legal propositions enunciated in these decisions are well settled; however, they do not advance the appellant's case in the present factual matrix. No foundational pleading or material establishing fraud or deliberate suppression by respondent no. 10 has been demonstrated; the decision of IOCL has been examined on the basis of the reasons contemporaneously recorded, without any supplementation; and the selection process has been conducted strictly in accordance with the governing advertisement. Consequently, the aforesaid authorities are distinguishable on facts and do not warrant interference.

In the present case, as noted in the impugned order, the Corporation considered the status of the criminal proceedings, the absence of framing of charge on the relevant date, and the surrounding facts before arriving at its decision. The learned Single Judge, after examining the material, found that the appellant had not demonstrated that Clause 4 mandated automatic rejection at a stage anterior to framing of charge. It was further held that eligibility must be assessed on a rational and contextual interpretation of the clause, and that no perversity or arbitrariness

was established in the Corporation's understanding thereof. Respondent no. 10's selection, therefore, was not shown to be contrary to the governing advertisement.

It is also significant that the appellant's interpretation would require reading Clause 4 in a manner that enlarges the scope of disqualification beyond what is expressly provided. Such an approach would run contrary to settled principles of interpretation, particularly where civil consequences ensue.

In the limited jurisdiction of a Letters Patent Appeal, interference is warranted only where the interpretation adopted is manifestly erroneous or contrary to law. The view taken in the impugned judgment—that mere pendency of a criminal case at a stage where charges had not been framed does not ipso facto render a candidate ineligible under Clause 4, absent an express stipulation to that effect—is a plausible and legally sustainable construction. It aligns with principles of strict interpretation of disqualification clauses and with the broader jurisprudence on assessment of antecedents.

Accordingly, this Court finds no infirmity in the conclusion reached by the learned Single Judge on this issue. Clause 4 does not mandate automatic ineligibility merely on account of pendency of a criminal case where charges had not

been framed as on the date of submission of the application. The contention of the appellant to the contrary is devoid of merit, and the finding in favour of respondent no. 10 warrants no interference in this intra-court appeal.

FINDINGS ON ISSUE NO.2

2. Whether, in case of any apparent variance between the eligibility conditions set out in the advertisement and the wording contained in the application form, the advertisement constitutes the governing instrument, or whether the application form can independently enlarge the scope of disqualification?

The second issue which arises for consideration is whether, in the event of any apparent variance between the eligibility conditions stipulated in the advertisement dated 01.09.2000 and the wording employed in the application form, the advertisement constitutes the governing instrument of the selection process, or whether the application form can independently enlarge or modify the scope of disqualification. The respondent–Corporation, supported by respondent no. 10, has consistently maintained that the advertisement is the foundational document of the selection process and that the application form is merely a procedural vehicle to elicit information in furtherance of the eligibility conditions already prescribed.

At the outset, it must be emphasised that in matters of public selection, whether in employment or in contractual allotments such as retail outlet dealerships, the advertisement inviting applications is the charter that governs the rights and obligations of the parties. It sets out the eligibility criteria, the conditions of participation, and the parameters within which the selection is to be conducted. The application form, by contrast, is an ancillary instrument designed to operationalise the advertisement; it does not and cannot exist independently of it. The legal position in this regard is no longer res integra. The Hon'ble Supreme Court in ***Ramana Dayaram Shetty v. International Airport Authority of India, (1979) 3 SCC 489***, held that a public authority is bound by the norms and standards which it professes in the advertisement and cannot depart from them arbitrarily. The advertisement thus acquires binding force and operates as the "rules of the game," which must remain constant throughout the selection process.

It necessarily follows that the advertisement cannot be diluted, modified, or enlarged by a subsequent document such as an application form, unless such modification is expressly notified and made uniformly applicable to all aspirants. To permit the application form to independently expand the scope of

disqualification would be to introduce uncertainty and arbitrariness into the process. Conversely, if the form were interpreted as narrowing or contradicting the advertisement, such an interpretation would undermine the sanctity of the eligibility conditions publicly declared at the threshold. In ***Monarch Infrastructure (P) Ltd. v. Commissioner, Ulhasnagar Municipal Corporation, (2000) 5 SCC 287,*** the Supreme Court reiterated that the terms of the invitation are sacrosanct and cannot be altered to the prejudice or advantage of any participant. The rationale underlying this principle is that transparency and predictability are essential attributes of fairness in public dealings.

In the present case, as noticed in the impugned order, the learned Single Judge undertook a detailed comparative analysis of Clause 4 of the advertisement and the relevant column of the application form. The impugned judgment records that the advertisement clearly stipulated disqualification in the event of pendency of a criminal case, whereas the application form required disclosure of criminal antecedents through an affidavit and declaration. The learned Single Judge, after examining the language of both documents in juxtaposition, rightly concluded that the application form was not intended to redefine or circumscribe the eligibility criteria, but rather to secure a

declaration in aid of verifying compliance with the advertisement. IOCL, being the author of the selection documents, is best placed to interpret and understand its own requirements. Reliance is placed by IOCL upon the authoritative pronouncement of the ***Hon'ble Supreme Court in Caretel Infotech Ltd. v. HPCL (2019) 14 SCC 81***, wherein it has been held that the author of the document is the best person to appreciate its requirements and courts should exercise restraint in substituting their own interpretation for that of the authority, unless the decision is arbitrary or perverse The reasoning reflects a correct appreciation of the hierarchical relationship between the two documents. The advertisement was the source of eligibility; the form was a medium for disclosure and verification.

The appellant's attempt to rely upon the wording of the application form to contend that the scope of disqualification stood confined or altered cannot be countenanced. Firstly, the advertisement was a public document addressed to all prospective applicants and constituted the primary representation of eligibility norms. Secondly, the application form must be read harmoniously with the advertisement, not in isolation. A harmonious construction would require that both documents be read together, with the advertisement prevailing in the event of any inconsistency.

Thirdly, it is settled that a candidate who participates in a selection process with full knowledge of the terms of the advertisement cannot subsequently challenge or reinterpret those very terms to suit her convenience.

It is also pertinent to note that the respondent–Corporation, including IOCL, has acted consistently on the basis that the advertisement governed eligibility. There is nothing on record to suggest that the Corporation sought to enlarge the scope of disqualification beyond what was prescribed in Clause 4. On the contrary, the impugned order demonstrates that the authority and the learned Single Judge confined their consideration strictly within the four corners of the advertisement. The detailed reasoning of the learned Single Judge, which meticulously examined the interplay between the advertisement and the form, does not reveal any misdirection in law. Rather, it reinforces the settled proposition that the application form cannot operate as an independent source of eligibility or disqualification.

In an intra-court appeal, the scope of interference is circumscribed. Unless it is shown that the learned Single Judge misconstrued the governing document or adopted an interpretation that is manifestly erroneous or perverse, the Division Bench would be slow to substitute its own view. In the present case, the

conclusion that the advertisement constitutes the governing instrument and that the application form cannot independently enlarge or curtail the scope of disqualification is firmly anchored in established principles of administrative and contractual law. To hold otherwise would unsettle the uniform application of eligibility conditions and open the door to subjective interpretation of ancillary documents.

Accordingly, this Court holds that in the event of any apparent variance between the advertisement and the application form, the advertisement must prevail as the controlling and authoritative instrument. The application form is merely supplemental and cannot independently enlarge, modify, or dilute the scope of disqualification prescribed therein. The view taken in the impugned order is legally sound and does not warrant interference in Letters Patent Appeal. The issue is, therefore, answered against the appellant.

FINDINGS ON ISSUE NO.3

3. Whether the decision of the Indian Oil Corporation disposing of the appellant's representation, pursuant to liberty granted in the earlier round of litigation, suffers from arbitrariness, illegality, or non-application of mind so as to warrant interference in appellate jurisdiction?

The third issue which falls for determination is whether the decision of the Indian Oil Corporation (IOCL), rendered while disposing of the appellant's representation pursuant to liberty granted in the earlier round of litigation, is vitiated by arbitrariness, illegality, or non-application of mind so as to warrant interference in intra-court appellate jurisdiction. The appellant has assailed the said decision on the ground that the authority mechanically reiterated its earlier stand without independently examining the factual and legal nuances highlighted in the representation, particularly with regard to the stage of the criminal proceedings and the interpretation of Clause 4 of the advertisement. It is urged that the order lacks objective consideration and is, therefore, liable to be set aside as arbitrary. The respondent–Corporation, on the other hand, has submitted that the representation was considered in detail, relevant records were scrutinized, and a reasoned decision was rendered strictly in accordance with the governing eligibility criteria. Respondent no. 10 has supported this stand, contending that the decision was neither perfunctory nor predetermined, but rather a lawful reaffirmation of the ineligibility which existed on the cut-off date.

From a perusal of the impugned judgment, it is evident that the learned Single Judge undertook an exhaustive examination

of the decision-making process adopted by IOCL while disposing of the appellant's representation. The impugned order specifically records that liberty had earlier been granted to the appellant to approach the Corporation with a representation, and that the authority, in compliance with the judicial direction, considered the same and passed a speaking order assigning reasons. The authority had adverted to the relevant clause of the advertisement, the status of the criminal proceedings as on the crucial date, and the legal implications thereof. The reasoning was not confined to a bare recital but reflected application of mind to the material placed before it. This aspect, as observed in the impugned order, negates the allegation of non-application of mind.

The scope of judicial review over administrative decisions in contractual or dealership matters is well circumscribed. It is not the function of the Court to sit in appeal over the merits of the decision, but only to examine the decision-making process. The parameters laid down in ***Tata Cellular v. Union of India, (1994) 6 SCC 651***, though in the context of tender matters, are equally applicable here: judicial review is concerned with illegality, irrationality, and procedural impropriety. So long as the authority acts within the bounds of the governing terms and applies its mind to relevant considerations, the Court does not

substitute its own view merely because another view is possible. The impugned judgment has, in fact, adverted to these principles while declining to interfere.

The appellant's submission that the authority acted mechanically does not find support from the record. As noticed in the impugned order, the decision of IOCL specifically dealt with the contention that charges had not been framed and explained why, in its view, pendency of the criminal case itself did not attract the disqualification under Clause 4. The authority also considered the timeline of events and reaffirmed that eligibility had to be determined with reference to the last date of submission of applications. These aspects, which are clearly reflected in the reasoning portion of the administrative order and noted by the learned Single Judge, demonstrate due consideration rather than arbitrariness. The mere fact that the authority did not accept the appellant's interpretation does not render the decision arbitrary.

It is equally significant that respondent no. 10, who stood to be affected by any alteration of the selection outcome, emphasized before the learned Single Judge that the decision was taken after affording the appellant an opportunity to place her case and that the Corporation acted uniformly in applying the eligibility criteria. The impugned judgment records this submission and finds

no material to suggest mala fides, bias, or extraneous considerations. In the absence of any allegation of personal malice or demonstrable procedural violation, the plea of arbitrariness remains unsubstantiated.

In an intra-court appeal, the Division Bench exercises supervisory jurisdiction over the correctness of the judgment under challenge. Unless it is shown that the learned Single Judge failed to consider a material aspect, misapplied settled principles, or upheld a decision that is patently unreasonable, interference would not be justified. The impugned order reflects a detailed and reasoned analysis of the administrative decision, accords due weight to the submissions of all parties, and applies the settled principles of judicial review. The decision of IOCL, as examined therein, cannot be characterised as suffering from illegality, irrationality, or non-application of mind. Rather, it represents a considered reiteration of the eligibility position based on the governing advertisement.

Accordingly, this Court is of the considered view that the decision of IOCL disposing of the appellant’s representation does not warrant interference in appellate jurisdiction. The impugned judgment, having scrutinised the administrative action within the permissible contours of judicial review and having

found no infirmity therein, does not call for reversal. The issue is, therefore, answered against the appellant.

FINDINGS ON ISSUE NO.4

4. Whether, in the facts and circumstances of the case, including the lapse of time, operationalisation of the retail outlet, and substantial investments made by Respondent No. 10, the learned Single Judge rightly declined to grant relief on equitable considerations, and whether such exercise of discretion warrants interference in this Letters Patent Appeal?

The final issue which arises for consideration is whether, in the totality of the facts and circumstances of the case, including the lapse of considerable time, the operationalisation of the retail outlet, and the substantial investment made by respondent no. 10, the learned Single Judge was justified in declining relief on equitable considerations, and whether such exercise of judicial discretion calls for interference in the present Letters Patent Appeal.

The appellant has contended that once it is demonstrated that the initial selection suffered from legal infirmity, equitable considerations such as passage of time or investment made by a successful candidate cannot be pressed into service to perpetuate an illegality. It is urged that equity cannot override law and that if

the selection was vitiated at inception, subsequent developments cannot validate it. It has further been submitted that the appellant had been diligently pursuing remedies, including the earlier round of litigation culminating in liberty to file a representation, and therefore the doctrine of delay and laches ought not to be invoked against her.

On the other hand, respondent no. 10 has emphatically submitted that the retail outlet was commissioned long ago pursuant to a concluded selection process; that substantial capital investment was made in infrastructure, manpower, statutory compliances and day-to-day operations; and that the dealership has been functioning continuously without interruption. It is contended that unsettling the allotment at this stage would cause grave prejudice, not merely to respondent no. 10 but also to third-party interests and the public at large. The respondent–Corporation, IOCL, has supported this stand, pointing out that the selection process had attained finality, the dealership agreement was executed, and the outlet has been operational for a considerable period. It is further submitted that interference at such a belated stage would disrupt an established commercial arrangement and adversely impact the distribution network.

The impugned order of the learned Single Judge, which is under challenge before us, has dealt with this aspect in considerable detail and has taken note of the chronology of events, the lapse of time between the original allotment and the institution of the challenge, and the fact that respondent no. 10 had altered his position irreversibly by investing substantial resources in the establishment and running of the outlet. The impugned judgment records that even assuming arguendo that a debatable issue existed on interpretation of eligibility, the grant of relief after such prolonged delay would result in manifest inequity.

The doctrine of delay and laches is well entrenched in constitutional jurisprudence. It is settled that a person who seeks equitable relief must approach the Court with reasonable promptitude. In ***State of Maharashtra v. Digambar, (1995) 4 SCC 683,*** the Supreme Court held that unexplained delay coupled with the creation of third-party rights constitutes a valid ground to decline relief in writ jurisdiction. The Court held that persons sleeping over their rights for an unreasonable period cannot seek discretionary relief, as the court should not aid those who are not prompt in pursuing their remedies.These principles are particularly relevant where commercial arrangements have been acted upon and substantial investments have been made.

In the present case, it is not disputed that the retail outlet stood commissioned and has been operational for a significant period. Respondent no. 10, as noticed in the impugned order, has made substantial financial commitments in land development, infrastructure, equipment, manpower and statutory compliances. These are not ephemeral or reversible steps; they represent a complete alteration of position based on a concluded selection. The doctrine of fait accompli, though not a shield for illegality, is a relevant consideration in moulding relief. Courts are slow to unsettle long-standing arrangements unless a glaring and foundational illegality is established.

It is also pertinent that the learned Single Judge did not rest the dismissal solely on equitable considerations; rather, after examining the merits of the challenge and upholding the decision of the Corporation, the Court additionally observed that even on equitable grounds, interference would not be warranted. This layered reasoning demonstrates a judicious exercise of discretion rather than an abdication of adjudicatory duty. The impugned order reflects a conscious balancing of competing interests — the appellant’s grievance on the one hand, and the settled commercial rights and public interest on the other.

In an intra-court appeal, the scope of interference with a discretionary order is limited. It is a settled principle that an appellate court will not lightly substitute its own discretion for that exercised by the court of first instance, unless it is shown that the discretion was exercised arbitrarily, capriciously, or on wholly untenable grounds. The exercise of discretion by the learned Single Judge in the present case is supported by cogent reasons, rooted in established doctrines of delay, laches, and equitable balance. No perversity or misapplication of principle has been demonstrated before us.

Ultimately, writ jurisdiction is not exercised in a vacuum; it operates within the framework of equity, fairness and public interest. Even where a technical infraction is alleged, the Court must weigh the consequences of granting relief. In the facts at hand, the prolonged lapse of time, the operationalisation of the retail outlet, the substantial and irreversible investment by respondent no. 10, and the absence of any demonstrable mala fides or patent illegality collectively justify the refusal of relief. The learned Single Judge, in declining to unsettle a concluded and operational arrangement, exercised discretion in a manner consistent with settled legal principles.

Accordingly, this Court finds no ground to interfere with the discretionary conclusion reached in the impugned judgment. The issue is answered against the appellant, and the exercise of discretion by the learned Single Judge does not warrant interference in this Letters Patent Appeal.

FINDINGS ON ISSUE NO.5

5. Whether the appellant is entitled to raise, in the present Letters Patent Appeal, a new plea of violation of Clause 10 of the advertisement, which was neither pleaded nor urged in the earlier proceedings, or whether such plea is barred by the doctrine of constructive res judicata and the principle of finality of pleadings?

The appellant has, during the course of arguments in the present Letters Patent Appeal, sought to contend that even assuming the disqualification under Clause 4 of the advertisement was not attracted on a strict construction, respondent no. 10 was nonetheless ineligible on account of alleged non-disclosure of the pendency of the criminal case in the application form, thereby violating Clause 10 of the advertisement which mandated that the application and its enclosures be complete in all respects. It is urged that such suppression of material facts vitiates the very selection process and that the learned Single Judge erred in

confining the adjudication primarily to Clause 4 without independently examining the alleged breach of Clause 10.

At the outset, it must be noted that the pleadings constitute the foundation of adjudication in writ proceedings. It is a settled principle that parties are bound by their pleadings, and courts ordinarily adjudicate upon issues that arise from the pleadings placed on record. A perusal of the appeal, as well as the earlier rounds of litigation culminating in the liberty granted to submit a representation, indicates that the principal challenge was anchored in the alleged violation of Clause 4 of the advertisement. The specific plea that respondent no. 10 had violated Clause 10 by suppressing material facts, independent of Clause 4, was neither distinctly pleaded nor developed as a separate ground in the writ proceedings. Even in the memorandum of appeal in the present LPA, no specific foundation has been laid asserting Clause 10 as a standalone ground of challenge. The contention has surfaced only during oral submissions.

The doctrine of constructive res judicata, embodied in Explanation IV to Section 11 of the Code of Civil Procedure has been consistently held to be applicable in principle to prevent multiplicity of litigation and to secure finality in judicial determinations. The Supreme Court has repeatedly held that a

party cannot be permitted to raise in subsequent proceedings a ground which might and ought to have been raised in the earlier round. The principle is rooted in public policy, ensuring that litigation attains finality and that parties do not engage in piecemeal challenges by keeping grounds in reserve.

In the present case, the factual basis for the alleged non-disclosure was very much within the knowledge of the appellant at the time of filing the writ petition. If the appellant intended to assail the selection of respondent no. 10 on the independent ground of violation of Clause 10, nothing prevented him from expressly pleading and substantiating that contention before the learned Single Judge. The failure to do so cannot now be cured by raising a fresh legal submission at the appellate stage, particularly in an intra-court appeal where the scope of interference is already circumscribed.

It is equally well settled that an appellate court, especially in Letters Patent jurisdiction, does not ordinarily permit a wholly new factual or mixed question of fact and law to be raised for the first time, unless it goes to the root of jurisdiction or involves a pure question of law not requiring further factual inquiry. The plea of suppression under Clause 10 is a matter which ought to have been specifically pleaded and adjudicated upon in

the writ proceedings. To entertain such a contention at this stage would not only enlarge the scope of the appeal but also cause prejudice to respondent no. 10, who had no occasion to meet such a distinct plea before the learned Single Judge.

Therefore, this Court is of the considered view that the appellant is not entitled to raise, at the stage of the present Letters Patent Appeal, a new and independent ground alleging violation of Clause 10 of the advertisement, when such plea was neither specifically pleaded nor urged in the earlier proceedings. The attempt is clearly hit by the principles analogous to constructive res judicata and the settled doctrine of finality of pleadings. Accordingly, the issue is answered against the appellant.

24. In view of the foregoing discussion on all the issues framed for consideration, and having found no error of law, perversity of reasoning, or jurisdictional infirmity in the impugned judgment, this Court is of the considered opinion that the learned Single Judge has rightly appreciated the factual matrix, correctly interpreted the governing eligibility conditions, and judiciously exercised discretion within the well-settled parameters of judicial review. The administrative decision of the Corporation has been examined on the touchstone of legality, rationality, and procedural propriety and has been found to withstand scrutiny. No ground is

made out for interference in the limited scope of intra-court appellate jurisdiction.

25. Accordingly, the Letters Patent Appeal stands dismissed. There shall be no order as to costs.

(Alok Kumar Sinha, J)

(Sangam Kumar Sahoo, CJ)

Prakash Narayan

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