

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.36078 of 2007
and M.P. No.1 of 2007

P.Mageswari

.. Petitioner

-vs-

1.Union of India, represented by the
Chief Postmaster General,
Tamil Nadu Circle,
Department of Posts, India,
Chennai-600 002.

2.The Superintendent of Post Office,
Namakkal Division,
Department of Posts, India,
Namakkal-637 001. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records from the second respondent pertaining to his order No.B3/1192/II and quash the order dated 19.09.2007 passed therein.

For Petitioner : Mr.T.Dhanasekaran

For respondents: Mr.J.Madanagopal Rao,
Central Government Standing Counsel

ORDER

The writ petition has been filed challenging the impugned order bearing No.B3/1192/II dated 19.09.2007 passed by the Superintendent of Post Office, Namakkal Division, the second respondent herein.

2.Learned counsel appearing for the petitioner would submit that the respondents have called for interview for the post of EDBPM at Mattangadu Branch Post Office and the petitioner applied for the said post by sending her application. However, on 26.02.2002 the petitioner received a call letter from the second respondent for an interview for the post of Branch Post

Master. Accordingly, she participated in the interview on 11.03.2002. As there was no response long time, the petitioner made a representation to the second respondent requesting them to consider her for the said post. However, the second respondent herein appointed a candidate, who hailed from a place 70 kilometers away from the Mattangadu Post Office, but she has not been considered though she is the resident of very nearest village from the Mattangadu Post Office.

3.Learned Central Government Standing Counsel appearing for the respondents would submit that the writ petition has been wrongly filed without any cause of action.

4.A perusal of the impugned order passed by the second respondent shows that no such representation has been received by them and no reply has been received and the post of BPM Mattangadu was filled up on 15.03.2002. It also indicates that as there was no vacancy, the question of consideration does not arise. Moreover, the affidavit filed by the petitioner fails to mention the name of the candidate, who has been appointed. Secondly, the petitioner has also not even questioned the correctness of the order of appointment. Therefore, this Court is not inclined to entertain the petition. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(AD IV)

//True Copy//

Sub Assistant Registrar

vga
To

1.The Chief Postmaster General,Union of India,
Tamil Nadu Circle,
Department of Posts, India, Chennai-600 002.

2.The Superintendent of Post Office,
Namakkal Division,
Department of Posts, India, Namakkal-637 001.
+1 cc to Mr.J.Madanagopal Rao, Advocate Sr.No.33349

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SJ(CO)
CSL/14.05.2019