



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.13739 of 2019

and

WMP (MD) Nos.10289 and 10290 of 2019

Fr.Antony Xavier

... Petitioner

-Vs-

1.The Senior Superintendent of
Post Offices,
Kovilpatti Division,
Kovilpatti - 628 501,
Thoothukudi District.

2.The Post Master,
Sub Post Office,
Pavoorchathiram - 627 808,
Tirunelveli District.

3.S.Nirmala

... Respondents

(Cause title amended as per order
dated 10.07.2019 made in
W.M.P. (MD) No.11125 of 2019)

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 1st respondent in No.CPT/PCT SO/2019-20 at kovilpatti-628 501 dated 31.05.2019 and quash the same and for a consequential direction to the 1st and 2nd respondents to deliver to the petitioner the letters addressed to the Correspondent, St. Assisi Matric Higher Secondary School, Pavoorchatram.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.P.Subbiah, CGSC for RR1 and 2

For Respondent No.3: No Appearance

ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 1st respondent in No.CPT/PCT SO/2019-20 dated 31.05.2019 and quash the same and direct the 1st and 2nd



respondents to deliver the letters addressed to the Correspondent, St. Assisi Matric Higher Secondary School, Pavoorchatram, to the petitioner.

2. Heard Mr. N. Dilip Kumar, learned counsel appearing for the petitioner and Mr. P. Subbiah, learned Central Government Standing Counsel appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the 3rd respondent, notice to her is dispensed with.

3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4. Though a larger prayer as has been sought for in this writ petition on behalf of the petitioner, today, when the writ petition is taken up for hearing, the learned counsel appearing for the petitioner would submit that controversy raised in this writ petition only relates to the delivery of letters and tapals by the postal department addressed to Correspondent of the petitioner school. Therefore, if that issue is decided for the continuous smooth delivery of tapals and letters addressed to the Correspondent of the Institution, the petitioner would be satisfied.

5. I have heard the learned Central Government Standing Counsel appearing for the respondents 1 and 2, who, by relying upon the relevant Rule in Postal Manual issued by the Central Government, submitted that, if there is any dispute with regard to the identity of a person against whom, a letter, insured or uninsured registered post has to be delivered, if the postman is not having any satisfactory identify or proof of such addressee, he can bring back the letter to the post office by delivering a note or intimation to the addressee to come and collect the same from the post office concerned after showing identity of the addressee.

6. In this case, the learned Central Government Standing Counsel submitted that, some letters have been addressed in the name of the Correspondent of the petitioner school and when it was about to be delivered at the school address, the 3rd respondent, claimed to be the Correspondent, has raised some objections and she has given a written letter to the postal department stating that, some communication has to be received by the 3rd respondent from the bank, where she opened an account and since, during the summer vacation, 3rd respondent may not be available in the school premises, that letter from the bank can be addressed to the 3rd respondent at her residential address. With this kind of controversy, when both the petitioner as well as the 3rd respondent claimed the Correspondentship of the school concerned, in order to identify as to who shall be the Correspondent of the school to deliver the letters, the postal department had a limited enquiry and after enquiry, it is revealed that the petitioner was available in the Correspondent chamber and one Muthulakshmi, Principal of the



school stated that the petitioner is the Correspondent of the school and the 3rd respondent's statement that she claims Correspondentship only from outside the school.

7. Though such conclusion has been arrived at by the Enquiry Officer, who enquired the issue, despite the same, letters seems to have been not delivered to the Correspondent of the School, i.e., the petitioner, who has been in the office of the Correspondent and has been running the school with that administration. In order to resolve this controversy, this Court is of the view that, whether the petitioner or the 3rd respondent is the Correspondent to be recognized or having been recognized by the Educational authorities, the matter need not be probed into by the postal department to deliver the letters.

8. Inasmuch as those letters are addressed to the general name of the Correspondent of the School, whenever a letter or tapal is addressed with designation to an Institution, normally, the postal department will not seek identity of an individual, who is holding the post or designation. Like that, here also, if at all, letters are addressed in the name of Correspondent of the school, it is open to the postal department to deliver those letters at the school by getting an acknowledgement from tapal section or some responsible person from the school. Therefore, the postal department need not verify the identify of the person, as to who is in the Correspondent position. Some time, the Correspondent may not be available in the school and at that time, when the postman comes to school to deliver some letters, he cannot seek the identify of the Correspondent as claimed in this case between the petitioner and the 3rd respondent. Therefore, in delivery of letters are concerned, the postman can deliver those letters, inasmuch as those letters are addressed with an official capacity i.e., the Correspondent of the school, only at the school address with proper acknowledgement, if it is insured and registered. If uninsured or unregistered letters, the normal procedure of delivering those letters shall be adopted by the postal department.

9. In that view of the matter, in order to resolve the controversy raised in the writ petition, the following order is passed:

"The respondent postal department henceforth shall deliver the letters addressed to the Correspondent of the petitioner school at the school address by getting a proper acknowledgement from any responsible person or tapal section of the school concerned. However, if any letter is addressed by individual name, the postal department can identify the individual and deliver the same to the concerned individual with proper identity. If this arrangement continues, this Court feel that, there could be no controversy in delivering the letters by the postal department. This arrangement shall not be construed that this Court has accepted



the case of the petitioner that he is the Correspondent of the school concerned, as that issue is not before this Court for decision, as the same can very well be decided by the appropriate Educational authorities at appropriate time in an appropriate proceedings.

10. With this observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

Arul

TO

1. The Senior Superintendent of
Post Offices,
Kovilpatti Division,
Kovilpatti - 628 501,
Thoothukudi District.

2. The Post Master,
Sub Post Office,
Pavoorchathiram - 627 808,
Tirunelveli District.

+1CC TO MR. N. DILIP KUMAR, Advocate Sr. No. 74961
+1CC TO MR. P. SUBBIAH, Advocate Sr. No. 74679

Order made in
W.P. (MD) No. 13739 of 2019
and

WMP (MD) Nos. 10289 and 10290 of 2019

Dated: 10.07.2019

SMV (CO)

TR (07.08.2019) 4P 5C