



WEB COPY



WP No.21310 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.21310 of 2016

C.Govindasamy

..

Petitioner

vs.

1.The Inspector of Post,
Krishnagiri East – Sub Division,
Krishnagiri – 635 001.

2.The Post Master General,
Office of the Post Master General,
R.S.Puram,
Coimbatore – 641 002. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.05.2016.

For Petitioner

: Mr.T.Dhanasekaran



WP No.21310 of 2016

For Respondents

: Mr.R.Subramanian,
Additional Central Government
Standing Counsel.

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation submitted by the petitioner on 09.05.2016 to appoint him as Gramin Dak Seva Mail Deliverer.

2. Merely by submitting a representation, the petitioner cannot secure public employment in the Postal Department, Government of India.

3. All appointments are to be made strictly in accordance with the Rules in force. Equal opportunity in public employment is the Constitutional mandate. Thus the petitioner if wants to secure employment, he has to participate in the Open Competitive Process whenever Recruitment Notification has been issued by the Competent Authorities.

4. Merely submitting a representation and by filing a writ petition before the High Court, the petitioner cannot seek a direction to



WP No.21310 of 2016

consider the said representation and such a direction if issued would do no service to the cause of justice and the litigants are back again before the High Court by way of another litigation and this kind of procedures or processes adopted would result in losing of faith on the Justice Delivery System amongst the public.

5. Thus the High Court has to issue directions even to consider the representation if at all the rights are infringed or any illegality or irregularity is established, but not otherwise. In other words, writ petition is entertainable if any right is established by the petitioner. Appointment cannot be claimed as a matter of right. It is to be secured only through the process contemplated under the Rules.

6. The learned Central Government Standing Counsel, appearing on behalf of the respondents made a submission that the post was filled up through by conducting recruitment process and therefore, the representation of the petitioner cannot be considered.



WP No.21310 of 2016

7. This being the factum, the very relief sought for in the present writ petition deserves no merit consideration. That apart, recruitment matters relating to Postal Department are to be adjudicated by the Central Administrative Tribunal (CAT). However, the writ petition is pending before the High Court for the past about six years and the petitioner has not established any right and therefore, driving him again to the another Forum would result in vein.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

02-11-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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WP No.21310 of 2016

To

WEB COPY

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WEB COPY



WP No.21310 of 2016

S.M.SUBRAMANIAM, J.

Svn

WP 21310 of 2016

02-11-2022