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WP No. 14732 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**WP No. 14732 of 2024
and W.M.P.No.15979 of 2024**

1. Union of India,
Rep. By The Chief Postmaster General,
Tamil Nadu Circle, Anna Salai,
Chennai-600 002.
2. The Post Master General,
Southern Region (TN),
Madurai-625 002.
3. The Director of Postal Services,
O/O. The Postmaster General,
Southern Region (TN),
Madurai-625 002.
4. Assistant Director (Tech & BD)
L/o to Asst. Director (Staff)
O/o, The Postmaster General,
Southern Region(TN),
Madurai - 625 002.
5. The Superintendent Of Post Offices,
Theni Division, Theni-625 531.

..Petitioner(s)

Vs

A.Alagumani
S/o.Alagarsamy, No.33A, Subramaniasamy Koil,
North Street, Bodinayakanur-625 513,
Theni District.

..Respondent(s)



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, call for records pertaining to the order dated 04.07.2023 in O.A.1771/2016 on the file of the Central Administrative Tribunal, Chennai Bench and quash the same.

For Petitioner(s): Mr.S.Janarthanam

For Respondent(s): Mr. R. Malaichamy

ORDER

(Order of the Court was made by K.Kumaresh Babu J.)

The present writ petition has been filed to quash the order dated 04.07.2023 in O.A.No.1771 of 2016 passed by the Central Administrative Tribunal, Chennai Bench.

2. The learned counsel for the petitioner would submit that the respondent, who had been employed as a GDS, had participated in the Limited Departmental Competitive Examination (hereinafter referred to as 'LDCE') and that he had scored 51 marks. He would submit that there were totally four vacancies, which had been particularly reserved as three for unreserved category and one for OBC. Out of the three vacancies reserved for the unreserved category, one had been earmarked for horizontal reservation for Ex-Servicemen.



3. He would submit that as there was no Ex-Serviceman, who had opted for the said examination, two vacancies in the unreserved category were filled up by taking the highest marks scored by two individuals under the unreserved category, and one vacancy under the OBC category was filled up by the highest ranked OBC candidate. Since the respondent was ranked second in the OBC category, he was not accommodated in the said recruitment process.

4. The same came to be challenged by the respondent before the Central Administrative Tribunal and under the impugned order, the Tribunal, holding that the rejection of the respondent was not valid, had directed appointment of the respondent as Postman with all consequential benefits on par with the other selected candidates. He would submit that, as per the Notification issued, the written examination would be conducted in four segments, namely, Part A – General Knowledge, Part B – Mathematics, Part C (i) – English, and Part C (ii) – Regional Language. A candidate has to secure a minimum of 10 marks for the Open Category and 9 marks for an OBC candidate in both Part A and Part B independently. As regards Part C, which consists of two segments, the minimum pass marks for the Open Category had been fixed as 10 marks and 9 marks for an OBC candidate in each of the segments.



5. He would further submit that the respondent herein had secured a total of 51 marks by securing more than the minimum marks that had been prescribed in each of the segments. The another OBC candidate, who had secured 55 marks, had secured only 9 marks in Part B. Therefore, he was not considered for the Open Category as the minimum pass mark for Part B is 10. Hence, he was accommodated in the OBC category, and the candidates who have secured the pass mark in all segments were selected under the unreserved category.

6. Therefore, he would submit that the respondent was not entitled to be appointed in the recruitment process for the year 2015–16. However, the Tribunal wrongly concluded that the horizontal reservation for Ex-Servicemen should have been adjusted horizontally and that, if there was no Ex-Serviceman, who are eligible to be appointed against the said vacancy, it had to be adjusted accordingly, and thereby directed appointment of the respondent. He would submit that such directions issued is wholly erroneous. That apart, he would submit that there are two candidates, who have secured more marks than that of the respondent in the OBC category and they should be considered first. Hence, he seeks the indulgence of this Court.

7. Countering his arguments, Mr. R.Malaichamy, learned counsel for the



respondent, would submit that the candidate who had been appointed under the OBC category had scored 55 marks and the second candidate who had been appointed under the unreserved category had secured only 54 marks, and therefore the candidate who had been selected under the OBC category should have been accommodated in the open category. If that had taken place, the respondent would have been first in the OBC category and he should have been offered the position. That being so, the petitioners have drawn the select list erroneously. By such erroneous select list, the respondent had been denied his opportunity of being appointed. Hence, he would submit that, at any rate, the impugned order does not suffer from any infirmity or illegality, which would warrant interference by this Court, and therefore he seeks dismissal of this petition.

8. We have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

9. It is the contention of the petitioner that the respondent, who had secured 54 marks, was ranked second in the OBC category and that the first person, who had scored 55 marks, did not secure the minimum qualifying marks in Part 'B' and therefore he was not selected under the unreserved category and was only accommodated in the OBC reserved category. It was also contended that two other candidates had secured more marks than the respondent.



10. A perusal of the marks that had been obtained by the respective candidates would indicate that two of the candidates, who were alleged to have secured more marks than the respondent, had not passed Part C1 and Part B respectively and therefore, even though they had scored more marks, they would not be eligible for appointment.

11. The note to Clause 4 of the notification would indicate as follows:

“Note: The Part A and Part B will be bilingual i.e. English and Tamil language

ii. Duration of Examination : 120 minutes.

iii. Qualifying Marks (as per instructions in directorate letter No.45-14(ii)/2012-SPB-I dated 31.07.2012);

Parts A and B – Minimum 10 marks for OC, 8 marks for SC/ST and 9 Marks for OBC candidates in each part.

Part C (Two segments) – Minimum 10 marks for OC, 8 marks SC/ST and 9 marks for OBC candidates in each segment.

40% marks for OC, 33 marks for SC/ST and 37 marks for OBC candidates in aggregate.”*

12. Even though as pointed out by the learned counsel appearing for the petitioner that a candidate is expected to secure a minimum of 10 marks in each of the segments for the unreserved category and lesser marks are indicated for the OBC candidates, the very same note also indicates that the overall requirement is 40% marks for open category candidates and 37% marks for OBC candidates in aggregate.



13. Therefore, what counts is only the aggregate marks secured by each of the candidates, and the particular pass mark prescribed for each segment cannot be taken into account for placing a candidate either under the unreserved or under a reserved category. When such is the interpretation given to the note, placing the first-ranked candidate in the OBC category under the said vacancy, merely because he had scored 9 marks in Part B, is wholly erroneous. In aggregate, he had scored 54 marks and he is entitled to be placed in the unreserved category.

14. It is further to be noted that even though one vacancy had been earmarked for Ex-Servicemen, the vacancy position for each of the categories had not been notified in the said notification. Only in the proceedings dated 24.06.2016, the vacancy position has been shown, showing that for direct recruitment under 50% quota through LDCE, eligible for participation by GDS, four vacancies were shown, of which one was shown as earmarked for Ex-Servicemen. The said horizontal category had not been indicated as to whether it falls under the unreserved category or under the OBC category.

15. Even in the averments made in the affidavit filed in support of the writ petition, such horizontal reservation seems to have been kept open depending upon the eligible Ex-Servicemen falling under either of the categories. The same has been admitted in paragraph 4 (ii), of the grounds



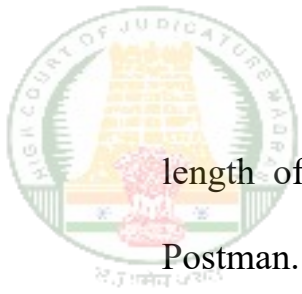
raised by the petitioners.

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16. From the select list that is shown in the said proceedings, it could be seen that two Scheduled Caste candidates who had secured 57 and 54 marks have been selected under the unreserved category and one OBC candidate who had secured 55 marks had been selected under the OBC category. As we have already held that the aggregate marks should only be taken into account for filling up the unreserved category, the procedure that has been followed by the petitioners in overlooking a deserved OBC category candidate to be appointed under the unreserved category would only be an erroneous selection.

17. It has also been indicated that the respondent, in the subsequent selection process, namely in the year 2019, had been selected and granted appointment as Postman under the unreserved category.

18. In the light of the above facts, we are of the considered view that the order impugned, passed by the Tribunal, does not warrant any interference, even though on a different reasons as elicited above. As we have come to the conclusion that there has been an erroneous selection process in overlooking a meritorious candidate, who had secured higher aggregate marks in the unreserved category, the appointment of another candidate who had secured 54 marks in the unreserved category, in our view, should not be disturbed at this



length of time, as he has already put in more than a decade of service as Postman. It is also further to be noted that such selectee has not been made a party to the proceedings.

19. Considering the fact that the respondent had been successful in the subsequent recruitment process, we are of the further view that there would also be no financial burden / constraints on the petitioner if he is granted the benefit of the Tribunal's order, only notionally, on par with the selectees appointed in the 2015–16 recruitment process. All other consequential benefits can also be calculated notionally, and the monetary benefits accrued to him can be paid only prospectively from the date of this order.

20. For the aforesaid reasons, the petition stands disposed of, affirming the order made by the Tribunal in O.A.1771/2016 dated 04.07.2023, but however, restricting the monetary benefits to the petitioner from the date of this order, as indicated above. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(C.V.K.,J.) (K.B.,J.)
23-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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C.V.KARTHIKEYAN, J.
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K.KUMARESH BABU, J.

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