
(1998) 02 MAD CK 0121

In the Madras High Court

Case No : W.A. No. 180 of 1998 and C.M.P. No. 1343 of 1998

G. Murugesan

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 27-02-1998

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : AIR 1999 Mad 376

Hon'ble Judges : Shivaraj Patil, J;M. Karpagavinayagam, J

Bench : Division Bench

Advocate : M. Venkatachalapathy for S. Rajasekar and C.R. Muralidharan, for the Appellant;

Final Decision : Dismissed

Judgement

Shivaraj Patil, J.—Heard learned counsel for the appellant. The appellant before us was the writ petitioner in W.P. No. 5688 of 1997, feeling aggrieved by his non-selection of STD/ PT BOOTH. The learned single Judge dismissed the writ petition by the order dated 27-11-1997. This appeal is directed against the said order of the learned single Judge.

2. The learned senior counsel for the appellant contended that the appellant ought to have been given allotment for STD/PT Booth pursuant to his application made. The Selection made by the Committee in selecting the candidates was not fair and proper. It has been flimsical. Even the Committee had made allotment to four persons wrongly which allotments were cancelled when pointed out. This only shows that the selection Committee did not consider the applications properly on merits. Keeping in view the norms/guidelines laid down. The learned single Judge in the order impugned in this appeal, has stated thus in paragraphs 11 to 13 :

11. "It is pointed out by the respondents 1 to 3 that there were 120 applications and the Committee selected only six for allotment of STD/PTs and the petitioner

had not been selected by the Committee. It is also pointed out that 1430 applications were received for 147 STD/PTs in the entire SSA and the Committee had selected the candidates purely on merits and as laid down in the guidelines prescribed by the Ministry of Communication. It is also pointed out by the respondents that selection of applicants to whom STD/ PTs were inadvertently allotted by the Committee had been cancelled subsequently and orders have been passed consequently.

12. It is pointed out by the respondents that the Scheme is to provide employment to unemployed youth so that they could eke out their livelihood. The petitioner is not an unemployed. On the other hand, it is pointed out that the petitioner is the Managing Director of Sakthi Vinayaga Communications, Telecom Services, Ship Handling Services and in fact the petitioner had availed a loan from the Melur Co-operative Bank on producing the Small Scale Industries Certificate. This would show that the petitioner's claim that he is unemployed is false. With a view to provide adequate telecommunication facilities like STD/ ISD to general public and to help the unemployed, the Department of Telecom had opened Public Telephones Booths on franchise basis. The petitioner is not an unemployed but he is carrying on a small industry and hence he is not eligible.

13. The respondents also pointed out that the petitioner's mother had been selected and allotted STD/PT in the category of unemployed. The petitioner's father is employed as Assistant Executive Engineer in Tuticorin Port Trust. These factors as well as the factor that the petitioner is carrying on a small Scale Industry were taken into consideration by the Committee and the petitioner had not been selected rightly for valid reasons. The Committee had taken into consideration the merits of each candidate and have either selected or rejected the applications, depending on the merits. It is also pointed out that the petitioner's claim were considered on merits and rejected."

3. Having regard to what is stated by the learned single Judge in the paragraphs extracted above, we do not find any infirmity or good ground so as to admit this writ appeal. The learned Judge as can be seen from paragraph 13 of his order, has taken note of the fact that the appellant did not come in the category of unemployed; his father was employed as Assistant Executive Engineer in Tuticorin Port Trust and his mother had been allotted STD/PT in the category of unemployed already; the applications were invited for allotment of STD/ST booths in the scheme to provide employment to unemployed youth. Under the circumstances, in our view, the writ appeal does not merit admission. Hence it is rejected at the stage of admission. Consequently, C.M.P. No. 1343 of 1998 is dismissed.