
(2007) 06 MAD CK 0072
In the Madras High Court
Case No : Writ Petition No. 18349 of 2001

V. Manigantan	Vs	APPELLANT
Union of India (UOI)		RESPONDENT

Date of Decision : 19-06-2007

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2007) 06 MAD CK 0072

Hon'ble Judges : S. Tamilvanan, J; F.M. Ibrahim Kalifulla, J

Bench : Division Bench

Advocate : T. Sellapandian, for the Appellant; S. Udayakumar, ACGSC, for the Respondent

Final Decision : Dismissed

Judgement

F.M. Ibrahim Kalifulla, J.—The petitioner is aggrieved by the order of the Tribunal, dismissing the petitioner's Original Application, wherein,

challenge was made to the selection of the second respondent as Extra Departmental Branch Postmaster, Pagalpatti, by the order of the first

respondent, dated 17.12.1999.

2. According to the petitioner, he had scored higher marks in S.S.L.C., while the second respondent's marks were low and that the petitioner also

satisfied the possession of immovable property, which is one other relevant qualification while aspiring for the post of EDBPM.

3. The Tribunal found that the second respondent satisfied all the qualifications, while the petitioner failed to satisfy the qualification relating to the possession of immovable property.

4. Learned Counsel appearing for the petitioner in the course of his submissions, stated that if the records relating to the impugned selection is

perused, the same would disclose the satisfaction of the possession of immovable property by the petitioner.

5. Learned Standing Counsel appearing for the first respondent placed before us the entire records relating to the impugned selection. The records

were also shown to the learned Counsel for the petitioner.

6. On a perusal of the records, we find that the petitioner has not satisfied the qualification of the possession of immovable property which has

been prescribed as an essential qualification under the relevant Rules. In the Rules relating to Extra Departmental Agents, Section IV dealing with

the method of recruitment, in paragraph 3, it is specifically prescribed that the person who takes over the agency (EDSPM/EDBPM) must be one

who has an adequate means of livelihood. The expression ""adequate means of livelihood"" has been further elaborated in paragraph 6, wherein it is

stated that in case one loses his main source of income, he should be adjudged as incurring a disqualification to continue as EDSPM/EDBPM. It is

also stated therein that there must be absolute insistence on the adequate source of income of any Extra Departmental SPM/BPM and whatever

allowances he derived from the said post, must be just supplementary to his income.

7. When such a relevant criteria prescribed for holding the post of EDBPM was not satisfied by the petitioner, while the second respondent

satisfied all the qualifications, we hold that the Tribunal rightly rejected the petitioner's Original Application. We therefore do not find any scope to

interfere with the same.

8. The Writ Petition therefore fails and the same is dismissed. No costs.