

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.15160 of 2016

G.Venkatesan

.. Petitioner

Vs

1.The Secretary to the Government,
Higher Education Department,
Fort St. George,
Chennai - 600 009.

2.The Director,
Directorate of Collegiate Education,
Higher Education Department,
College Road,
Chennnai - 600 006.

3.The Director of School Education,
College Road,
Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the first respondent to dispose of the petitioner's appeal petition dated 29.06.2015 within a time limit.

For petitioner : Mr.A.Devnarenderan

For Respondents : Mr.R.Vijayakumar, AGP

O R D E R

Mr.R.Vijayakumar, learned Additional Government Pleader, takes notice for the respondents.

2. It is seen that the second respondent has rejected the request of the petitioner vide his proceedings dated 07.10.2008 to alter his date of birth in the service register. But, the petitioner, being an Associate Professor and Head of the Department of Statistics at the Government Arts College (Autonomous), Salem, preferred an appeal against the order the second respondent only 29.06.2015 before the first respondent after a delay of 7 years.

3. It is well settled law that the delay defeats justice and equities and the equitable doctrine has its fullest application in the matter of grant of relief under Article 226 of the Constitution. The discretionary relief can be had, provided one has not by his act or conduct given a go-by to his rights. Equity favours a vigilant rather than an indolent litigant and this being the basic tenet of law, the question of entertaining the prayer of the petitioner, who, as highlighted above, preferred an appeal before the first respondent after a period of 7 years, does not and cannot arise in this matter. Thus, the writ petition stands dismissed on the ground of laches. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to the Government,
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Chennai - 600 009.
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+1cc to the Government Pleader Sr.25899
+1cc to Mr.A.Devnarenderan, Advocate Sr.25420

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rsy(CO)
srg(18/05/2016)