

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.8.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN**

**C.M.P.No.13712 of 2017 in
W.A.SR.No.68485 of 2013
and
W.A.SR.No.68485 of 2013**

A.Cruz Arockiasamy

Appellant

Versus

1 Director of School Education,
Chennai 6.

2. The Correspondent,
Little Flower Higher Secondary School,
Salem.

Respondents

Prayer: Petition filed under Section 149 of CPC to condone the delay of 828 days in paying the deficit court fee of Rs.100/- in WA.SR.No.68485 of 2013.

and

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 9.6.2008 passed in W.P.No.1907 of 1998 on the file of this court.

For petitioner/appellant : Mr.P.Ganesan for
M/s.C.S.Associates

For R1 : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who takes notice on behalf of the first respondent, on the condonation of delay to pay the deficit court fee and also on merits.

2. It appears that the Management initiated disciplinary proceedings against the appellant/petitioner, who was working as a PG Assistant(Botony) since the year 1979, for his unauthorised absence. It appears that in the meanwhile, somebody has been appointed in the place of the appellant/petitioner and the appellant/petitioner also avoided the communication from the School Management with regard to the disciplinary proceedings and ultimately, the disciplinary proceedings ended in dismissal from service. Deprecating the conduct of the appellant/petitioner, the learned Single Judge dismissed the writ petition on 9.6.2008. Challenging the same, the present writ appeal has been filed after a delay of 828 days.

3. The reason adduced by the appellant/petitioner that by mistake, he had filed review application originally, challenging the order of the learned Single Judge and later, realising the mistake, he had filed the present appeal and hence, the delay had occurred in paying the deficit court fee, cannot be accepted in view of the lethargic and casual manner of the appellant/petitioner even in filing the petition to pay the deficit court fee.

3. Apart from that the conduct of the appellant/petitioner in absenting unauthorisedly has been elaborately discussed by the learned Single Judge which portrays the tactics adopted by the appellant petitioner in evading the administrative process of an educational institution. In the circumstances, we are of the view that the very conduct of the appellant does not deserve any consideration, much less, condonation of delay, both on merits of the petition and the merits of the appeal. Therefore, we are not inclined to entertain the writ appeal. In view of the same, the petition seeking to condone the delay in paying the deficit court fee is dismissed and consequently, the writ appeal at SR stage is rejected. No costs.

(H.G.R.,J.)(G.J.,J.)

18.8.2017.

Index:Yes/No
Internet:Yes/No
ssk.

To:

- 1 Director of School Education,
Chennai 6.
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**HULUVADI G. RAMESH, J.
AND
G.JAYACHANDRAN, J.**

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