



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Fourth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.VENUGOPAL
and
The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.10901 of 2017
IN
WA(MD) No.SR47604 of 2017

M. VIJAYAKUMAR

... PETITIONER/APPELLANT

Vs

1 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.

2 THE DISTRICT EDUCATIONAL OFFICER,
SIVAGANGAI DISTRICT, SIVAGANGAI.

3 THE HEADMISTRESS
GOVT. HIGHER SECONTARY SCHOOL,
VEMBATHUR - 630 565,
SIVAGANGAI DISTRICT.

... RESPONDENTS/RESPONDENTS

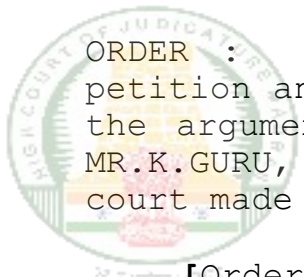
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 243 days in filing the above writ appeal in W.A. (MD) SR.No.47604/2017.

PRAYER IN WA(MD) No.SR47604 of 2017 :

To Prefer this Memorandum of grounds Writ Appeal aggrieved by the order passed in dated 04.01.2017 in WP(MD)No.476 of 2014 on the file of this Hon'ble Court.

Prayer in WP(MD). 476/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd and 3rd Respondents in connection with the Impugned Order of rejection of Compassionate appointment vide their impugned Proceedings in Na.Ka. No.6862/A1/2001 dated 04.04.2013 and Proceedings No.244/2007 dated 11.09.2007 respectively and quash the order and consequently direct the 1st and 2nd respondents to consider the Petitioner s case for appointment in anfy suitable post based on his qualification under compassionate ground within the time limit that may be stipulated by this Honourable Court.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.KAMESH, Advocate for the petitioner and of MR.K.GURU, Additional Government Pleader for the Respondent the court made the following order:-

[Order of the Court was made by **M.VENUGOPAL, J.**]

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Heard the Learned Counsel for the Petitioner/Appellant and the Learned Additional Government Pleader appearing for the Respondents.

2. No counter is filed on behalf of the Respondents 1 to 3.

3. The Petitioner/Appellant has preferred the instant Writ Appeal in W.A.(MD)SR.No.47604 of 2017 with a delay of 293 days. The reasons ascribed on behalf of the Petitioner/Appellant are that in the main Writ Petition in W.P.(MD)No.476 of 2014, an order was passed on 04.01.2017 and the Clerk of the then Advocate on record has not informed about the dismissal of the Writ Petition and only in the month of September, 2017, when the Petitioner/Appellant had approached the Clerk of the Learned Counsel on record in regard to the stage of the Writ Petition, fact of dismissal came to the Petitioner's knowledge and immediately, the Petitioner had applied for a copy on 15.09.2017 and the same was made ready. Immediately, the Petitioner approached the then Counsel on record for further course of action and subsequently, the Petitioner had approached the present Learned Counsel on record in the second week of November, 2017 and made a request to the Learned Counsel to prefer an Appeal. In this process, there has occasioned a delay of 293 days, which is neither wilful nor wanton, but, due to the aforesaid reason.

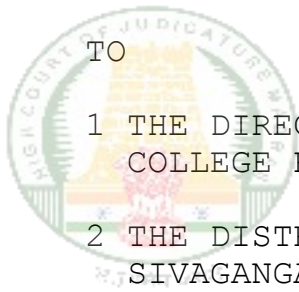
4. This Court, on being subjectively satisfied as to the reasons ascribed on behalf of the Petitioner/Appellant at Paragraph No.7 of the affidavit in C.M.P.(MD)No.10901 of 2017, without adopting a pedantic approach and also not adopting an hyper-technical approach, by taking a lenient, liberal, purposeful, pragmatic, meaningful and rational view, allows the Petition and condones the delay of 293 days, in the interest of justice, subject to the rider that the Petitioner/Appellant shall remit a sum of Rs.250/- (Rupees Two Hundred and Fifty only) before the Tamil Nadu Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, Madurai, on or before 18.12.2017, failing which, it is made quite clear that the Petition shall stand automatically dismissed without any further reference to this Court.

sd/-

04/12/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.

2 THE DISTRICT EDUCATIONAL OFFICER,
SIVAGANGAI DISTRICT, SIVAGANGAI.

3 THE HEADMISTRESS
GOVT. HIGHER SECONDARY SCHOOL,
VEMBATHUR - 630 565,
SIVAGANGAI DISTRICT.

COPY TO : THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.10901 of 2017
IN
WA (MD) No.SR47604 of 2017
Date :04/12/2017

SML
SH/PM/PN/SAR-2-8.12.2017-2P-5C