



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR. JUSTICE T.VELMURUGAN

C.M.P. (MD) No.3469 of 2017
in
W.A. (MD) .No.SR.12276 of 2017

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

2.The Chief Educational Officer,
Kanyakumari District,
Nagercoil - 629 001.

3.The District Educational Officer,
Thuckalay,
Kanyakumari District.

...Petitioners/Appellants

Versus

The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari,
NO.71A, Dennis Street,
Nagercoil - 629 001.

... Respondent/Respondents

Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 984 days in filing the appeal against the order, dated 30.04.2014, in W.P.(MD).No.7778 of 2014.

For Petitioners : Mr.V.Muruganantham
Additional Government Pleader

ORDER

(Order of the Court was delivered by **T.S.SIVAGNANAM, J**)

This application is filed by the Director of School Education and two others, to condone the delay of 984 days in filing writ appeal against the order in W.P.(MD).No.7778 of 2014, dated 30.04.2014. In paragraph five of the affidavit filed in support of the petition, the petitioners have stated the reasons for filing the



appeal belatedly.

2. It is seen that only after the contempt petition filed by the respondent/writ petitioner in C.P.(MD).No.161 of 2016 and notice was ordered, steps have been taken to prosecute the appeal. Though it is stated that the appeal was presented much earlier, the affidavit does not disclose proper reason for condoning the delay. Therefore, we have no hesitation to hold that the delay remain unexplained. However, we have perused the order passed by the Writ Court, from which it is seen that the Writ Court followed the decision of the Division Bench in the case of **the Director of School Education, College Road, Chennai -6 and Others Vs. Goldon Wifred Viola and another**, reported in 2009(2) TLNJ 101 (Civil) and another decision in the case of **N.K.Geetha Vs. The Government of Tamil Nadu**, reported in 2009(1) CTC 463. Thus, on merits also the petitioners have not made out any case. Hence the application filed by the petitioners for condoning the inordinate delay is rejected and dismissed. Consequently, writ appeal stands rejected. Since we have rejected the writ appeal at the condone delay stage, the petitioners are directed to implement the order passed in the writ petition, within a period of six weeks from the date of receipt of a copy of this order.

Sd /-

ASSISTANT REGISTRAR(RECORDS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

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

2.The Chief Educational Officer,
Kanyakumari District,
Nagercoil - 629 001.

3.The District Educational Officer,
Thuckalay,
Kanyakumari District.

+1CC to Mr.T.CIBI CHAKRABORTHY Advocate in Sr.No.21040

+1cc to THE SPECIAL GOVERNMENT PLEADER in Sr.No.21516

jikr/sss

MAS/JC:04.05.2017:2P-6C

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