

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2018

CORAM

**THE HONOURABLE MR. JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**CMP.No.5619 of 2018
in
W.A.No.SR22281 of 2018
and
W.A.No.SR22281 of 2018**

D.Arputha Rajendran

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. By its Secretary to Government,
Education Department,
Fort St. George, Chennai-9.
2. The Member Secretary,
The Sports Development Authority of Tamil Nadu,
No.161-A, E.V.R.Periyar High Road,
Nehru Park, Chennai-600 084.
3. The Director of School Education,
College Road, D.P.I. Campus,
Chennai-600 006.
4. The Correspondent,
OCPM Higher Secondary School,
Thallakulam, Madurai-2.

... Respondents

Prayer in CMP.No.5619 of 2018:-

Petition filed under Section 5 of the Limitation Act, praying to condone the delay of 3172 days in filing the Writ Appeal against the order made in WP.No.16509 of 2000 dated 08.06.2009.

Prayer in W.A.No.SR22281 of 2018:-

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 08.06.2009 passed in W.P.No.16509 of 2000 Petition presented under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the first respondent dated 25.3.1997, issued in G.O.Ms.No.127 School Education (Y1) Department and quash the same insofar as it relates to absorbing the petitioner as a fresh recruit without pay protection and the orders of the second respondent dated 3.8.98 issued in Dis.No.12340/A1/98 and the order dated 5.10.98 issued in Na.Ka.No.17090/A1/98 and the order dated 2.2.2000 issued in Pa.Mu.No.20247/A1/99 and quash the same and consequently direct the respondents to absorb the petitioner as Volley Ball Coach in continuation of his earlier appointment in the 4th respondent school with effect from 17.7.89 with pay protection and other consequential benefits.

For Petitioner : Ms.L.Karthiga
for Mr.C.Prakasam

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J**)

This petition has been filed to condone the delay of 3172 days in preferring the writ appeal against the order made in WP.No.16509 of 2000 dated 08.06.2009.

2. There is no reason whatsoever set out in the affidavit, even to infer that there is a delay in the absence of any particulars, we are of the view that the liberal approach cannot be extended in this case, as the delay is

huge. Accordingly, this CMP.No.5619 of 2018 in W.A.No.SR22281 of 2018 is dismissed. Consequently, W.A.No.SR22281 of 2018 is dismissed in the SR stage itself.

[C.T.S., J] [N.S.K., J]

19.03.2018

Index:yes/no
Internet:yes

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To

1. The Secretary to Government,
State of Tamil Nadu,
Education Department,
Fort St. George, Chennai-9.
2. The Member Secretary,
The Sports Development Authority of Tamil Nadu,
No.161-A, E.V.R.Periyar High Road,
Nehru Park, Chennai-600 084.
3. The Director of School Education,
College Road, D.P.I. Campus,
Chennai-600 006.
4. The Correspondent,
OCPM Higher Secondary School,
Thallakulam, Madurai-2.

C.T.SELVAM, J
AND
N.SATHISH KUMAR, J

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