



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

C.M.P. (MD) .No.10019 of 2017
in
W.A. (MD) .No.SR43728 of 2017

1.The Principal Secretary to Government,
Health and Family Welfare (L-2) Department,
St.George Fort,
Chennai-600 009.

2.The Director of Medical Education,
Office of the Director of Medical Education,
Kilpauk,
Chennai-600 010.

... Appellants /Respondents

Vs.

Prabavathi Anbarasi ... Respondent/ Petitioner

PRAYER in C.M.P.(MD).No.10019 of 2017: This Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 526 days in filing the Writ Appeal against the order dated 05.04.2016 made in W.P.(MD).No.569 of 2009.

PRAYER in W.A.(MD).No.SR43728 of 2017:Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court dated 05.04.2016 made in W.P.(MD).No.569 of 2009.

Prayer in WP(MD)No.569/2009:-

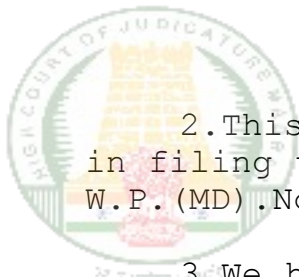
To issue a Writ of Certiorari calling for the records of the first respondent in G.O.(D)No.1093 dated 20.9.2008 and quash the same.

For Petitioners : Mr.V.R.Shanmuganathan
Special Government Pleader
For Respondent : Mr.K.Rajeswaran

ORDER

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the petitioners and Mr.Rajeswaran, learned counsel appearing for the respondent.



2.This petition has been filed to condone the delay of 526 days in filing the writ appeal against the order dated 05.04.2016 made in W.P.(MD).No.569 of 2009.

3.We have perused the affidavit filed in support of the condone delay petition and the averments seeking to explain the delay are contained in paragraph Nos.5 & 6. On perusal of the same, we find that there is no satisfactory explanation for the delay and the petitioners appear to throw the blame on the office of the Special Government Pleader. Further, it is seen that the delay of 526 days has not been properly explained, this should have been done because the delay is inordinate and the petitioner had taken their own time to obtain legal opinion whether to file an appeal or not, which in our considered opinion will not be a reason to condone such a long delay.

4.Thus, we find that the petitioners have not shown sufficient cause to condone the inordinate delay of 526 days. Thus, this petition is dismissed. Consequently, the writ appeal stands rejected at SR stage.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Principal Secretary to Government,
Health and Family Welfare (L-2) Department,
St.George Fort,
Chennai-600 009.

2.The Director of Medical Education,
Office of the Director of Medical Education,
Kilpauk,
Chennai-600 010.

+One cc to M/s.K.Rajeswaran, Advocate, SR.No.52407

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RL/4C/2P/KKR/SAR2/13/3/2018

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