



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

Friday, the Thirtieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.K.SASIDHARAN
and
The Hon`ble Mr.Justice P.D.AUDIKESSAVALU

CMP(MD) No.11117 of 2018
IN

WA(MD) No.SR46730 of 2018

1 THE STATE OF TAMIL NADU
REP.BY ITS SECRETARY,
DEPARTMENT OF TECHNICAL EDUCATION,
FORT ST.GEORGE, CHENNAI-600 009.

2 THE COMMISSIONER OF TECHNICAL EDUCATION,
DIRECTORATE OF TECHNICAL EDUCATION,
CHENNAI-25

... APPELLANTS/RESPONDENTS

Vs

1 S.I.SELVAKUAMAR
2 THE PRINCIPAL
N.M.S. KAMARAJ POLYTECHNIC COLLEGE,
PAZHAVILAI, KANYAKUMARI DISTRICT.

...RESPONDENT/PETITIONER

... RESPONDENT/RESPONDENT

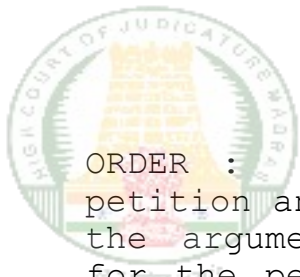
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 449 days in filing the above Writ Appeal against the order dated 08.02.2017 made in the M.P.(MD)Nos.1 and 2 of 2011 in W.P.(MD)No.5463 of 2011 pending disposal of the Writ Appeal and thus render justice.

PRAYER IN WA(MD) No.SR46730 of 2018

set aside the order dated 08.02.2017 made in W.P.(MD)NO.5463 of 2011 and thus render justice.

Prayer in WP(MD). 5463/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Certiorarified Mandamus, calling for the records relating to the Impugned Letter No.3789/C2/2009 dated 12.08.2010 passed by the 2nd respondent herein and to quash the same as ilelgal and direct the 1st and 2nd respondent herein to grant approval for the Petitioners appointment in the post of watchmen in the 3rd Respondent College with all consequential benefits.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.D.MURUGANANTHAM, Additional Government Pleader for the petitioners and of Mr.C.SUNDARAVADIVEL, Learned Counsel for R1 and Mr.N.DILIP KUMAR, Learned Counsel for R2, the court made the following order:-

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

This petition has been filed to condone the delay of 449 days in filing the intra Court appeal challenging the order dated 08.02.2017 in W.P.[MD]No.5463 of 2011.

2.Heard Mr.D.Muruganantham, learned Additional Government Pleader, on behalf of the petitioners. Mr.C.Sundaravadivel, learned Counsel, takes notice on behalf of the first respondent. Mr.N.Dilip Kumar, learned Counsel, takes notice on behalf of the second respondent.

3.The affidavit is sworn to by the Commissioner of Technical Education, Department of Education, Chennai.

4.The deponent in the affidavit filed in support of the Miscellaneous Petition submitted that the Special Government Pleader, Madurai Bench of Madras High Court, by his letter dated 03.04.2018, opined that the order passed by the learned Single Judge in W.P.[MD]No.5463 of 2011, is a fit case for appeal before the Division Bench. Thereafter, draft memorandum of grounds was prepared and it was sent to the Government Pleader's office for approval on 08.10.2018. The delay between 17.02.2018 and 08.10.2018 has not been explained.

5.It is true that length of delay alone is not material. It is the reasons which are given for explaining the delay alone is material. The affidavit filed in support of this Miscellaneous Petition is bereft of materials. The fact that there is administrative delay cannot be a reason to condone the delay in filing the intra Court appeal. We are of the view that there is no merit in this Civil Miscellaneous Petition.

6.In the upshot, we dismiss the Civil Miscellaneous Petition. In view of the dismissal of the Civil Miscellaneous Petition, the W.A.[MD]No.SR46730 of 2018, is rejected.

sd/-
30/11/2018

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TO

1 THE SECRETARY,
THE STATE OF TAMIL NADU
DEPARTMENT OF TECHNICAL EDUCATION,
FORT ST.GEORGE, CHENNAI-600 009.

2 THE COMMISSIONER OF TECHNICAL EDUCATION,
DIRECTORATE OF TECHNICAL EDUCATION,
CHENNAI-25.

PS/PN/SAR-2/04.01.2019/3P/3C

ORDER

IN

CMP (MD) No.11117 of 2018

IN

WA (MD) No.SR46730 of 2018

Date :30/11/2018