

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

CMP.No.16355 of 2018
in
W.A.No.SR75131 of 2015

- 1) The District Elementary Educational officer
Coimbatore
- 2) The Chief Educational Officer,
Coimbatore.
- 3) The Director of School Education
College Road, Chennai 600 006.

... Appellants

Vs.

Sri.S.P.Narashimalu Naidu Education Trust,
Rep by its trustee
Crescent Cottage,
No.86, Mill Road,
Coimbatore - 641 001.

... Respondent

Prayer : Civil Miscellaneous Petition filed to condone the delay of 250 days in filing the Writ Appeal against the order dated 27.11.2014 made in W.P.No.8024 of 2013.

Prayer in W.A.No.SR75131 of 2015:

Writ Appeal filed under Clause 15 of the Letters Patent to allow the Writ Appeal and set aside the order made in W.P.No.8024 of 2013 dated 27.11.2014.

W.P.No.8024 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus calling for the records in Na.Ka.No. 3774/A5/2012 dated 19.11.2012 on the file of the 1st Respondent herein and quash the same and direct the Respondents herein to permit the petitioner Trust to close S.P.N. Bramasamaj Aided Primary School situated at Crescent Cottage No.86 Mill Road Coimbatore from the academic year 2012-13.

For Appellants : Mr.P.Raja
Government Advocate.
For Respondent : Mr.V.Perumal

ORDER

(Order of the Court delivered by T.S.Sivagnanam, J.)

We have heard Mr.P.Raja, learned Government Advocate appearing for the petitioners and Mr. V.Perumal, learned counsel appearing for the respondent.

2. This appeal has been filed to condone the delay of 250 days in filing an appeal against the order dated 27.11.2014 made in W.P.No.8024 of 2013. Though the affidavit filed in support of this condone delay petition contains 6 paragraphs, only in paragraph No.6 there is an explanation given by the petitioners stating as to why they could not file the appeal in time.

3. According to the petitioners, their office was engaged in preparation and conduction of the public examinations from March 2015 to April 2015 and appeal could not be filed immediately, and after obtaining the opinion of the Government Pleader on 05.07.2015, the papers were collected and handed over to the special Government Pleader and therefore, the delay has occurred.

4. In our considered view, the reasons given in the affidavit filed in support of this condone delay petition is thoroughly inadequate and cannot be treated to be sufficient cause for condonation of delay. That apart, we are informed by the learned counsel for the respondent that the order passed in W.P.No.8024 of 2013, dated 27.11.2014 has been implemented and the respondent is running the CBSE School. Thus, for the above reasons, we find that the delay has not been properly explained by the petitioners.

5. Accordingly, the civil miscellaneous petition is dismissed. Consequently, the writ appeal stands rejected at the SR stage itself.

s/d-

Assistant Registrar(CS VIII)

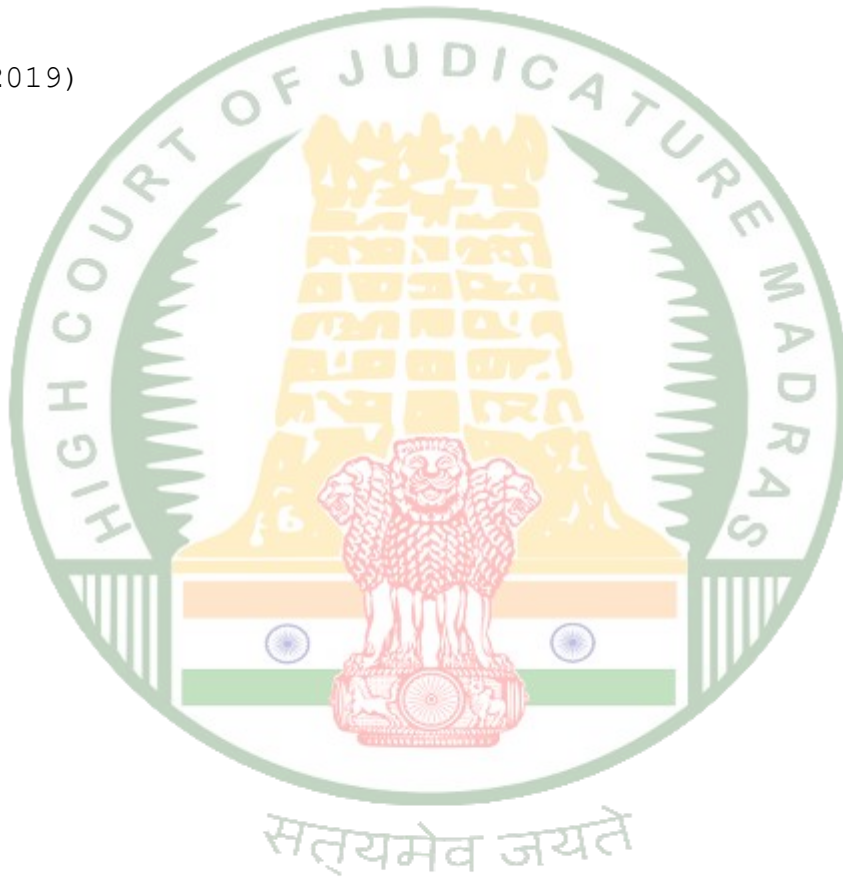
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C.M.P.No.16355 of 2018
in
W.A.No.SR75131 of 2015

PM (CO)
SP (29/03/2019)



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