

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition No.34427 of 2018

1. Palepu Satya Priya

2. Koppada Sivakumar ...Petitioners

Vs.

1. Union of India represented by the
Govt. of Puducherry through the
Secretary to Govt. (Education)
Chief Secretariat, kPuducherry.

2. The Director,
Directorate of School Education,
Anna Nagar,
Puducherry.

3. The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in respect of the Order passed in M.A.No.310/000764/2015 in O.A.No.310/00051/16 dated 04.10.2016 and to quash the same and consequently to direct the respondents 1 and 2 to appoint the petitioners to the post of Trainee Primary school Teacher on the basis of the merit they obtained in the selection process and to appoint with retrospective effect from the date on which the other selected candidates are appointed.

For Appellants : Mr.V.Ajayakumar

For Respondents: Mr.Syed Mustafa
Special Government Pleader (P)

J U D G M E N T

(Judgment of the Court was made by K.K.SASIDHARAN, J.,)

The original application filed by the petitioners was dismissed by the Central Administrative Tribunal, Madras Bench, on the ground of delay and laches. Feeling aggrieved, the unsuccessful petitioners have come up with the writ petition.

2. The factual matrix indicates that the claim of the petitioners was rejected by the Government by order dated 16.11.2012. The petitioners challenged the order before the Tribunal with an application to condone the delay of 115 days. The Original Application was filed without any undue delay. The Tribunal dismissed the application primarily on the ground that the entire selection was over and as such, no purpose would be served by condoning the delay. The completion of the selection process alone cannot be a reason to reject the claim made by the non-selected candidates like the petitioners, for a decision on merits. Their grievance must be addressed to by the Tribunal and an order on merits should be passed. The Tribunal ought to have condoned the delay of 115 days in filing the Original Application in the peculiar circumstances of the case. We are of the view that the impugned order deserves to be set aside.

3. The order dated 04.10.2016 is set aside. The Miscellaneous Application in M.A.No.310/2015 is allowed. We direct the Central Administrative Tribunal to decide the Original Application on merits and as per law, after giving reasonable time to the respondents to file counter affidavit.

4. The Writ Petition is allowed as indicated above. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

vsi

To

1. The Secretary to Govt. (Education)
Chief Secretariat, Union of India,
Govt. of Puducherry.

2. The Director,
Directorate of School Education,
Anna Nagar,
Puducherry.

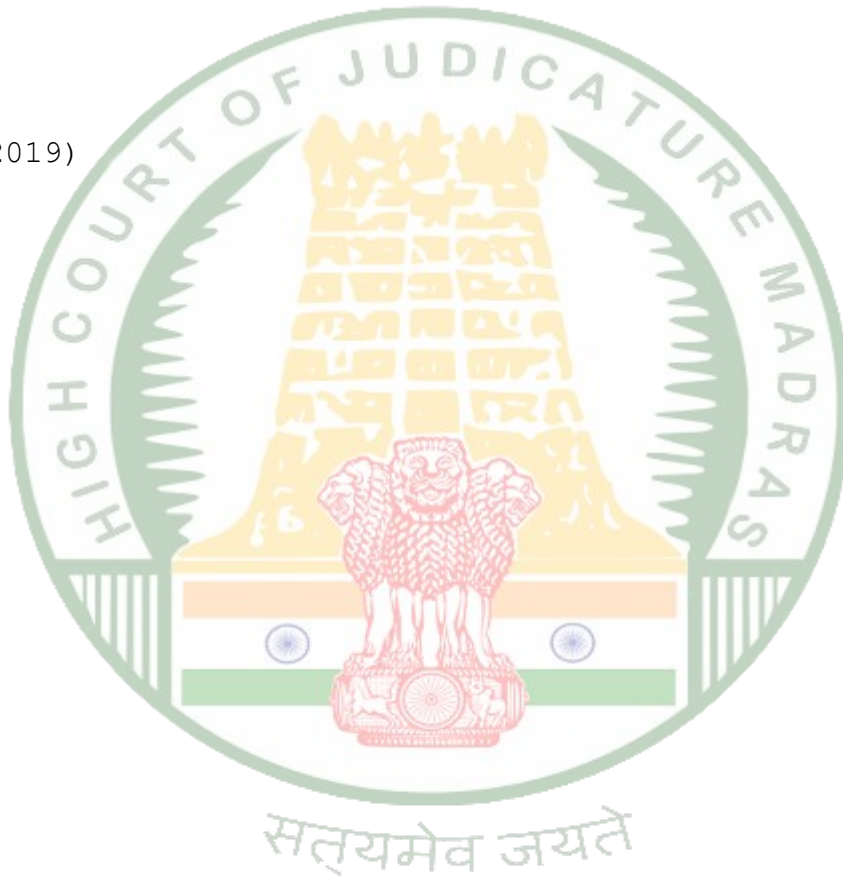
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3. The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai.

+1 CC to Mr.V.Ajayakumar, Advocate sr 46514.

W.P.No.34427 of 2018

SJ(CO)
SP(26/07/2019)



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