



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

Thursday, the Tenth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice B.PUGALENDHI

CMP (MD) No.5509 of 2020
in
W.A. (MD) SR.No.75135 of 2019

C.MARY ROSALIND

... PETITIONER/ APPELLANT

Vs

- 1 THE GOVERNMENT OF TAMILNADU
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI - 600 009.
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.
- 3 THE CHIEF EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI, AT MARTHANDAM,
KANYAKUMARI DISTRICT, PIN - 629 165.
- 5 T.C.K. HIGHER SECONDARY SCHOOL,
PADANTHALUMOODU, PADANTHALUMOODU P.O.,
KANYAKUMARI DISTRICT, REPRESENTED BY ITS
MANAGER - CUM - CORRESPONDENT. ... RESPONDENTS/ RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Condone the Delay of 1803 days in filing the above Writ Appeal.

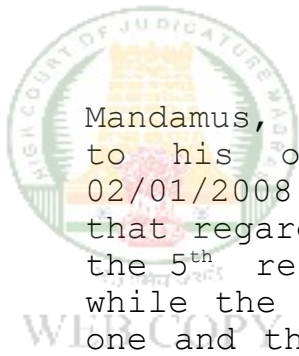
PRAYER IN W.A. (MD) SR.No.75135 of 2019:

To modify the order passed in WP(MD)No.2326 of 2009 dated 16.10.2014, allowing the above Writ Petition.

Prayer in WP (MD) . 2326/ 2009 :

Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari

<https://hcservices.ecourts.gov.in/hcservices/>



Mandamus, calling for the records of the 3rd respondent, pertaining to his order in proceedings in MOO.MOO.No.7945/A5/2007 dated 02/01/2008 on his file, quash a the same insofar as the same states that regarding the posts of Post Graduate assistants in history for the 5th respondent - school, the number of posts sanctioned was two, while the number of post fixed for the academic year 2007-2008 was one and the number of excess post without teacher was one and the consequent order of the 4th respondent in Na.Ka.No.5364A4/07 dated 17/03/2008 oh his file quash the same insofar as it relates to the surrender of the post of P.G.Assistant in History in the 5th respondent school to the 2nd respondent, directing the respondents 1 to 4 to approve the petitioner's appointment as post graduate Assistant in history in the 5th respondents school by the 5th respondent's order dated 04.06.2007.

[prayer amended as per order dt 9.4.2013in MP(MD)2/2012]

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.N.THAMPI, Advocate for the petitioner and of Mrs.S.SRIMATHY, Special Government Pleader for the Respondents 1 to 4 and 5th respondent not appeared either in person or by an advocate, the court made the following order:-

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

Heard the learned Counsel appearing for the petitioner.

2. Mrs.S.Srimathy, learned Special Government Pleader takes notice for the respondents 1 to 4.

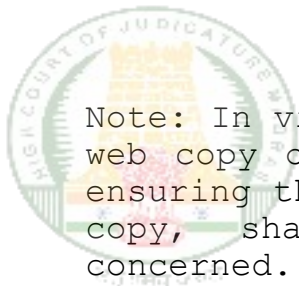
3. Though there is a delay of 1803 of days in filing the above writ appeal, considering the facts and circumstances of the case and in the interest of justice, the delay is condoned and the petition is ordered on condition the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Dispensary attached to this Bench on or before 15.12.2020 and file a receipt before the Registry.

4. The Registry, on receipt of such receipt, shall number the Writ Appeal, if the papers are otherwise in order and list the same **for admission on 17.12.2020** and at the time of admission, print the name of Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 to 4.

sd/-
10/12/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

- 1 THE SECRETARY,
THE GOVERNMENT OF TAMILNADU
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI - 600 009.
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.
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KUZHITHURAI, AT MARTHANDAM,
KANYAKUMARI DISTRICT, PIN - 629 165.

COPY TO:

THE OFFICER INCHARGE, DISPENSARY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.5509 of 2020 in
W.A.(MD)SR.No.75135 of 2019
Date :10/12/2020

MS/PN/SAR-3/14.12.2020/3P.6C