



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

Tuesday, the Eighteenth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mr.Justice P.RAJAMANICKAM

CMP (MD) No.2333 of 2020
in
WA (MD) No.SR11410 of 2020

- 1.THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI-600 006.
 - 2.THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
 - 3.THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
KADALADI 623 703,
RAMANATHAPURAM.
- ... PETITIONERS/APPELLANTS

Vs

THE CORRESPONDENT,
R.C.MIDDLE SCHOOL,
MOKKAIYUR 623 120,
RAMANATHAPURAM DISTRICT.

... RESPONDENT/RESPONDENT

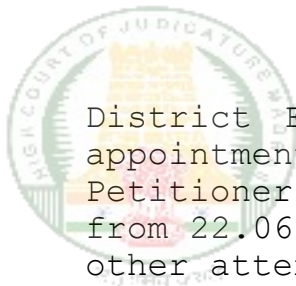
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 306 days in filing the writ appeal against the order dated 22.3.2018 passed in WP(MD). No.2367 of 2018

PRAYER IN WA (MD) No.SR11410 of 2020:

Pleased to set aside the order dated 22.03.2019 passed in WP (MD) No.2367 of 2018.

PRAYER in WP (MD) . No.2367 of 2018:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent Assistant Elementary Education officer in A.Thi.Mu.No.971/a3/2017 dated 05.09.2017 and the subsequent impugned staff fixation issued by the District Elementary Educational Officer for the Academic year 2016 - 2017 signed on 12.09.2017 holding one post of Secondary Grade Teacher and single post of Sewing Mistress as surplus, quash the same and further direct the 2nd respondent



District Elementary Educational Officer to approve forthwith the appointment of S.Prema as Secondary Grade School Teacher in the Petitioner's School namely, RC Primary School, Mokkaiyur with effect from 22.06.2016 and disburse the grant in aid towards her salary and other attendant 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 Mrs.S.SRIMATHY, Special Government Pleader, for the petitioners and of M/s.Sis.AMALA, Advocate on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by **M.SATHYANARAYANAN, J.,**]

This Court heard the submissions of Mrs.S.Srimathy, learned Special Government Pleader appearing for the petitioners and Sis.Amala, learned counsel appearing for the respondent.

2. Though this petition is strongly opposed by the learned counsel appearing for the respondent since it is a case of one year delay in filing the appeal and the reason for the delay appears to be administrative in nature and that huge delay cannot be condoned.

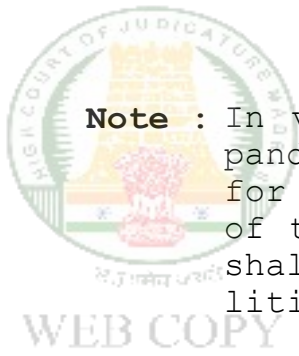
3. However, this Court has perused Paragraph No.12 of the affidavit filed in support of this petition and is of the view that the delay of 306 days in filing writ appeal can be condoned by putting the petitioners on terms.

4. In the result, this civil miscellaneous petition is ordered subject to the condition that the petitioners shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the Additional Registrar General in-charge/Registrar Judicial, for augmenting the fund for the facilities relating to virtual hearing etc., within a period of two weeks from today and the learned Special Government Pleader appearing for the petitioners also undertakes to file a memo by way of e-mail to the Registry. The Registry on receipt of the said memo, shall number the writ appeal, if the papers are otherwise in order and list it for admission and print the name of Mis.Amala, learned counsel for the respondent.

sd/-
18/08/2020

/ TRUE COPY /

/08/2020
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.

TO

- 1.THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI-600 006.
- 2.THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
- 3.THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
KADALADI 623 703,
RAMANATHAPURAM.

COPY TO:

THE ADDITIONAL REGISTRAR GENERAL I/C/REGISTRAR JUDICIAL,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.2333 of 2020
in
WA (MD) No.SR11410 of 2020
Date :18/08/2020

PM
TK/AKM/SAR.3/21.08.2020/3P/5C