



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

Friday, the Eleventh day of September Two Thousand Twenty
PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and

The Hon`ble Mr.Justice P.RAJAMANICKAM

CMP(MD) No.1571 of 2019

IN

WA(MD) No.SR4809 of 2019

1 THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI.

2 THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
AYIKUDI, TIRUNELVELI DISTRICT. ... PETITIONERS/APPELLANTS

Vs

A.DAVIDSON THARMARAJ,
SECONDARY GRADE TEACHER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
AYIKUDI, TIRUNELVELI DISTRICT. ... RESPONDENTS/RESPONDENTS

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 264 days in filing the above appeal as against the order dated 11.04.2018 passed by this Hon'ble Court in W.P.(MD)No.8077 of 2013.

Prayer in WP(MD). 8077/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order bearing Na.ka.No.1119/A5/2013 dated 29.04.2013 passed by the first respondent and quash the same and consequently direct the respondents to pay the salary of the petitioner regularly from Janaury 2013.

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 Mr.M.GNANAGURUNATHAN, Advocate on behalf of the Respondent, the court made the following order:-

(Order of this Court was made by **M.SATHYANARAYANAN, J**)

This petition has been filed to condone the delay of 264 days in filing the Writ Appeal.

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2. Heard the submissions of the learned Special Government Pleader appearing for the petitioners and she has invited the attention of this Court to paragraph No.5 of the affidavit filed in support of the petition and would submit that the delay appears to be administrative in nature.

3. The learned counsel for the respondent strongly opposed the petition stating that in the absence of acceptable explanation, such delay cannot be condoned.

4. However, considering the facts and circumstances of the case, this Court is of the view that the delay may be condoned by putting the petitioners on terms.

5. Accordingly, the petition is ordered and the delay is condoned, subject to the condition that the petitioners shall pay a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to the Additional Registrar General (incharge) for improvement of amenities relating to e-Court hearing within two weeks from today, failing which, the petition shall stand automatically dismissed without further reference to this Court. On receipt of such payment, the Registry is directed to number the Writ Appeal, if the papers are otherwise in order, and list it for admission printing the name of Mr.M.Gnanagurunathan, learned counsel for the respondent.

sd/-

11/09/2020

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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 CHIEF EDUCATIONAL OFFICER, TIRUNELVELI.

2 THE HEAD MASTER,

GOVERNMENT HIGHER SECONDARY SCHOOL, AYIKUDI, TIRUNELVELI DISTRICT.

COPY TO: THE ADDITIONAL REGISTRAR GENERAL (INCHARGE)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CMP(MD) No.1571 of 2019

IN

WA(MD) No.SR4809 of 2019

Date :11/09/2020

sj

AE/AKM/SAR-IV (15.09.2020) 2P 4C

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