



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Eighteenth day of September Two Thousand and Twenty

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PRESENT

The Hon'ble Mr.Justice M.SATHYANARAYANAN

and

The Hon'ble Mr.Justice P.RAJAMANICKAM

CMP(MD) Nos.4470, 4472 & 4473 of 2020

in

WA(MD) SR Nos.30814, 30815 & 30816 of 2020

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT.

2 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
RADHAPURAM,
TIRUNELVELI DISTRICT.

... PETITIONERS/APPELLANTS
(in all the petitions)

Vs

K.AUTO ARUL LOUCIYA

... 1st RESPONDENT/1st RESPONDENT
(in CMP(MD) No.4470/2020)

F.KUZHANTHAI TERESE THILAGA

... 1st RESPONDENT/1st RESPONDENT
(in CMP(MD) No.4472/2020)

R.RAJA PUSHPA LENCY

... 1st RESPONDENT/1st RESPONDENT
(in CMP(MD) No.4473/2020)

THE CORRESPONDENT,
ST. JOSEPH PRIMARY SCHOOL,
KUTHENKULI,
TIRUNELVELI DISTRICT.

... 2nd RESPONDENT/2nd RESPONDENT
(in all the petitions)

Common prayer in Civil Miscellaneous Petitions:

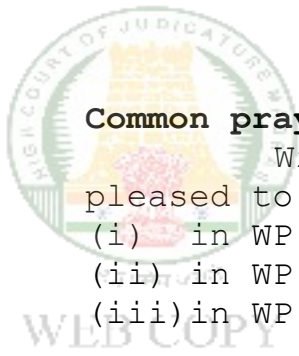
Petitions praying that in the circumstances stated therein and in the affidavits filed therewith the High Court will be pleased to Condone the Delay 345 days in filing the Writ Appeal against the order dated 15.03.2019 passed

- (i) in W.P.(MD).No.18789 of 2017
- (ii) in W.P.(MD).No.23658 of 2017
- (iii) in W.P.(MD).No.23659 of 2017

(CMP(MD) No. 4470/ 2020)

(CMP(MD) No. 4472/ 2020)

(CMP(MD) No. 4473/ 2020)



Common prayer in Writ Appeal:

Writ Appeal filed under clause 15 and Letters Patent Act, pleased to set aside the order dated 15.03.2019 passed

- | | |
|----------------------------------|-------------------------------------|
| (i) in WP(MD) No.18789 of 2017 | (WA (MD) No. SR.30814/ 2020) |
| (ii) in WP(MD) No.23658 of 2017 | (WA (MD) No. SR.30815/ 2020) |
| (iii) in WP(MD) No.23659 of 2017 | (WA (MD) No. SR.30816/ 2020) |

Prayer in WP(MD)No. 18789/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus directing the respondents to approve the appointment of the petitioner from the date of appointment i.e., 24.07.2009 and confer all the consequential benefits.

Prayer in WP(MD)Nos. 23658 & 23659/ 2017 :

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 pertaining to the order passed by the 2nd respondent in his proceedings

- | | |
|---------------------------------|----------------------------------|
| (i) in Aathi.Mu.No.856/A2/2017 | (WP (MD) No. 23658/ 2017) |
| (ii) in Aathi.Mu.No.852/A2/2017 | (WP (MD) No. 23659/ 2017) |

respectively dated 19.10.2017 and quash the same and direct the respondents to approve the appointment of the petitioner from the date of appointment i.e. 24.07.2017 with all the consequential benefits.

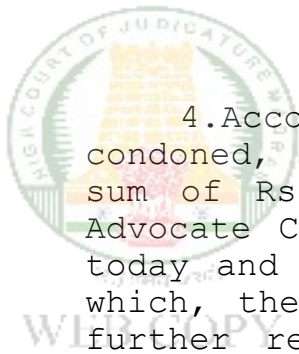
ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MRS.S.SRIMATHY, Special Government Pleader for the petitioners and of MR.V.PANNEERSELVAM, Advocate for the 1st respondent in all the petitions, the Court made the following order:-

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

These petitions have been filed to condone the delay of 345 days in filing these Writ Appeals.

2.Heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the petitioners/appellants and Mr.V.Panneerselvam, learned counsel for the first respondent in these petitions and perused the materials placed on record.

3.Though the learned counsel for the first respondent in these petitions has strongly opposed these petitions by submitting that no reason or whatsoever has been assigned, this Court is satisfied with the reasons stated in paragraph No.11 of the affidavits filed in support of these petitions and inclined to allow these petitions by putting the petitioners on terms.



4. Accordingly, these petitions are ordered and the delay is condoned, subject to the condition that the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the registered Advocate Clerks Association of Tirunelveli within three weeks from today and file a memo to that effect before the Registry, failing which, these petitions shall stand automatically dismissed without further reference to this Court. On receipt of the memo, the Registry is directed to number the Writ Appeals, if the papers are otherwise in order, and list it for admission.

sd/-
18/09/2020

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

Note to Registry: 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 DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT.
2. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
RADHAPURAM, TIRUNELVELI DISTRICT.

COPY TO:

1. THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
2. THE OFFICER INCHARGE,
ADVOCATE CLERKS' ASSOCIATION,
TIRUNELVELI.

ORDER IN
CMP(MD) Nos.4470,4472&
4473/2020 in
WA(MD) SR Nos.30814,30815&
30816/2020
Date :18/09/2020

SJ