



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Eleventh day of September Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.SATHYANARAYANAN

and

The Hon'ble Mr.Justice P.RAJAMANICKAM

CMP(MD) No.8653 of 2019

in

WA(MD) SR No.64929 of 2019

1. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
SIVAGANGAI DISTRICT.

2. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
ILLAYANKUDI,
SIVAGANGAI DISTRICT.

... PETITIONERS/APELLANTS

Vs

A.KULANDAISAMY

... RESPONDENT/RESPONDENT

Prayer in CMP(MD) No.8653/ 2019 :

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 471 days in filing the Writ Appeal as against the order in WP(MD) No.9209 of 2018 dated 27.04.2018.

Prayer in WA(MD) SR No.64929/ 2019 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the order passed by this Hon'ble High Court in WP(MD) No.9209 of 2018 dated 27.04.2018.

Prayer in WP(MD) . 9209/ 2018 :

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 in Aa.Thi.Mu.No.750/A1/2017 dated 19.02.2018 and quash the same and direct the respondents to sanction incentive increment for the higher qualification of M.Phil., to the petitioner.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing

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the arguments of MRS.S.SRIMATHY, Special Government Pleader for the petitioners and of MR.V.PANEERSELVAM, 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 471 days in filing the Writ Appeal.

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.4 of the affidavit filed in support of the petition and would submit that the delay appears to be administrative in nature and is neither wilful nor wanton.

3.The learned counsel for the respondent strongly opposed the petition stating that the delay is one year and odd and in the absence of acceptable explanation, such a 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.5,000/- (Rupees Five Thousand 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.V.Paneerselvam, learned counsel for the respondent.

sd/-
11/09/2020

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/ /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 DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
SIVAGANGAI DISTRICT.
2. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
ILLAYANKUDI,
SIVAGANGAI DISTRICT.

COPY TO:

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

ORDER
IN
CMP (MD) No.8653 of 2019 in
WA (MD) SR No.64929 of 2019
Date :11/09/2020

SJ
SRS/ JC/ SAR-IV/ 16.09.2020/ 3P/4C