



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

Tuesday, the Sixteenth day of March Two Thousand and Twenty One

PRESENT

**The Hon`ble Mr.Justice M.M.SUNDRESH
and
The Hon`ble Mrs.Justice S.ANANTHI**

**CMP(MD) No.1659 of 2021
in
WA(MD) SR.No.8361 of 2021**

- 1 THE STATE OF TAMILNADU
REP. BY ITS SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT, CHENNAI - 600 009.
- 2 THE DIRECTOR OF ELEMENTARY EDUCATION,
EVK SAMPATH BUILDING, DPI COMPLEX,
CHENNAI-600 006.
- 3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
PARAMAKUDI, RAMANATHAPURAM DISTRICT. ... PETITIONERS/APPELLANTS

Vs

- 1 S.K.PRAKASH
- 2 THE CORRESPONDENT,
SOURASHTRA HIGHER SECONDARY SCHOOL,
PARAMAKUDI, RAMANATHAPURAM DISTRICT. ... 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 1224 days in filing the Writ Appeal against the order dated 07.09.2017 in WP(MD)No.16890 of 2017 on the file of this Honourable High Court.

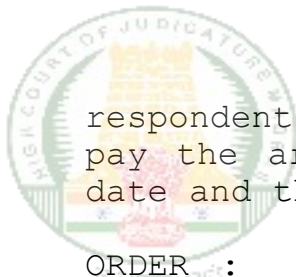
PRAYER IN WA(MD)SR.No.8361 of 2021:

To set aside the order dated 07.09.2017 passed in WP(MD) No.16890 of 2017 on the file of the Hon'ble Court and dismiss the Writ Petition.

Prayer in WP(MD). 16890/ 2017 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus direct the

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



respondents 1 to 3 to grant selection grade from 03.04.2006 and to pay the arrears of salary for the period from 03.04.2006 to till date and the other benefits etc.

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 Mrs.S.SRIMATHY, Special Government Pleader for the petitioners, the Court made the following order:-

(Order of the Court was made by M.M.SUNDRESH, J.)

Seeking to condone the delay of 1224 days in filing the writ appeal, the present petition has been filed.

2. The learned Special Government Pleader appearing for the petitioners submitted that the Government Order passed in G.O.Ms.No.155, dated 03.10.2002, has not been taken into account by the learned Single Judge while passing the order. Without having the prescribed qualification, the writ petitioner is not entitled for the relief sought for. The delay in preferring the appeal is due to administrative reasons.

3. The learned Counsel appearing for the first respondent submitted that the delay is huge and it has not been properly explained.

4. We find that there are arguable points involved in the appeal. Prima facie, we are of the view that the effect of the Government Order has not been taken into consideration. Thus, we are inclined to allow this petition and condone the delay, on terms.

5. Accordingly, this petition stands ordered and the delay is condoned, subject to the condition that the petitioners pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the first respondent / writ petitioner within a period of two weeks from the date of receipt of a copy of this order.

6. On showing the proof of payment, Registry is to number the appeal, if the papers are otherwise in order and list the same 'for admission'.

sd/-
16/03/2021

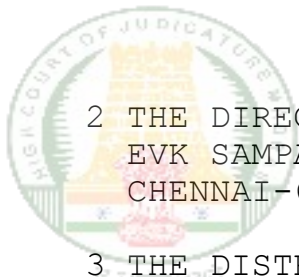
/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SECRETARY TO GOVERNMENT,
STATE OF TAMILNADU

<https://hcserv01.hcsnet.gov.in/hcsnet> PERSONNEL DEPARTMENT, SECRETARIAT, CHENNAI - 600 009.



2 THE DIRECTOR OF ELEMENTARY EDUCATION,
EVK SAMPATH BUILDING, DPI COMPLEX,
CHENNAI-600 006.

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

WEB COPY

+1 CC to The Special Government Pleader (SR-2136[I] dated
16/03/2021)

ORDER
IN
CMP(MD) No.1659 of 2021
in
WA(MD)SR.No.8361 of 2021
Date :16/03/2021

gk
AE/SMA/SAR-III (19/03/2021) 3P / 5C