



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2021

CORAM :

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM
AND
The Hon'ble Mrs.JUSTICE S.ANANTHI

W.A.(MD) No.790 of 2021

R.Udayakumar,
Asst.Professor in Mechanical
Engineering,
BITS, Pilani-Dubai Campus,
Duabi, U.A.E.
Represented by his Power of Attorney
Mrs.U.Suganthi.

... Petitioner

Vs

1. The National Institute of Technology,
Rep. by its Board of Governors,
Tiruchirappalli - 620 015.
2. The Director,
National Institute of Technology,
Tiruchirappalli.
3. The Registrar,
National Institute of Technology,
Tiruchirappalli - 620 015.

... Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 07.10.2020, passed in W.M.P(MD).No.15693 of 2019 in W.P.(MD) No.4104 of 2008.

Prayer in WMP(MD). 15693 of 2019 :

To condone the delay of 2033 days in filing the restoration petition and thus render justice.

Prayer in WP(MD). 4104 of 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for the records pertaining to the proceedings of the 2nd respondent in Rc. No. a1/512/2005 dated 05/03/2008 and quash the same as illegal.



For Appellant

: Mr.S.Kadarkarai

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

WEB COPY

We have heard Mr.S.Kadarkarai, learned Counsel appearing for the appellant-writ petitioner.

2. This writ appeal is directed against the order dated 07.10.2020, passed in W.M.P(MD).No.15693 of 2019 in W.P.(MD) No.4104 of 2008, by which, the miscellaneous petition seeking for condonation of delay of 2033 days in filing the restoration petition was rejected.

3. On going through the impugned order, we find that the learned Writ Court is right in making the observation that the appellant was employed in BITS, Pilani-Dubai Campus and he had filed the petition through Power of Attorney given to his wife.

4. The learned Writ Court after considering all the factors dismissed the writ petition on the ground that the delay is enormous, unexplained and cannot be condoned.

5. The learned Counsel for the appellant had pointed out various documents to us which have been filed in the typed set of papers to show as to the bonafide of the appellant. In any event as found by the Writ Court, the appellant was gainfully employed in abroad and the present litigation itself sought by him through his Power Agent and wife and therefore, we find no ground to interfere with the impugned order.

6. However, we are conscious of the fact that the learned Writ Court has made certain observation against the Counsel, which we feel should be deleted. Accordingly, while dismissing this writ appeal, all observations and findings made against the learned counsel for the appellant in the order of the learned Writ Court, including the pleadings, stand vacated.

7. The writ appeal stands dismissed. No Costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Board of Governors,
National Institute of Technology,
Tiruchirappalli - 620 015.
2. The Director,
National Institute of Technology,
Tiruchirappalli.
3. The Registrar,
National Institute of Technology,
Tiruchirappalli - 620 015.

+1 CC to M/s.S.KADARKARAI, Advocate SR-15908[F] dated 15/04/2021

W.A. (MD) No.790 of 2021
15.04.2021

ma (CO)
TR(22.04.2021) 3P 5C