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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.M.P.[MD]No.3514 of 2021

in

W.A.[MD]No.SR17235 of 2021

1.The State of Tamil Nadu,  
Rep. by its Secretary,  
Department of School Education,  
Fort St. George, Chennai - 600 009.

2.The Director of School Education,  
College Road, Chennai - 600 005.

3.The Chief Educational Officer,  
The Officer of the CEO,  
S.L.B. South Road, Nagercoil,  
Kanyakumari District - 629 001.

4.The District Educational Officer,  
Government High School,  
Weavers Colony Street,  
Vadasery, Nagercoil,  
Kanyakumari District - 629 001.

... Petitioners

Vs.

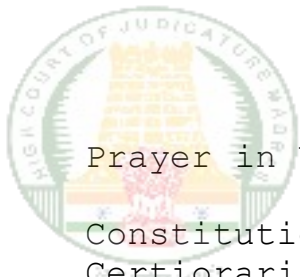
1.M.Panneer Jesu Thangam

2.The Correspondent,  
St.Micheal's High School,  
Vethakarakudiyiryuppu,  
Nagercoil - 629 002,  
Kanyakumari District.

... Respondents

**PRAYER in C.M.P.[MD]No.3514 of 2021:** Petition filed under Section 5 of Limitation Act, praying to condone the delay of 704 days in filing the Writ Appeal against the order dated 28.06.2018 in W.P. [MD]No.13864 of 2018.

**PRAYER in W.A.[MD]No.SR17235 of 2021:** Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 28.06.2018 passed in W.P.[MD]No.13864 of 2018.



Prayer in WP(MD). 13864/ 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 relating to the impugned proceedings issued by the 4th respondent District Educational Officer O.Mu.No. 8014/A4/2017 dated 08.05.2018 (signed on 06.06.2018) Quash the same and further Direct the 4th respondent District Educational Officer to approve forthwith the appointments of the petitioner as B.T.Assistant (History) in the 5th respondent school, w.e.f.01.06.2012 and disburse grant -in-aid towards her salary and other attendant benefits.

For Petitioners : Mr.R.Baskaran  
Standing Counsel for Government  
For Respondent No.1 : Ms.S.Amala Irudhaya Mary  
For Respondent No.2 : No appearance

**O R D E R**

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[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.R.Baskaran, learned Standing Counsel for Government, appearing for the petitioners and Ms.S.Amala Irudhaya Mary, learned Counsel appearing for the first respondent.

2.This petition has been filed by the department seeking condonation of delay of 704 days in filing the Writ Appeal against the order dated 28.06.2018 in W.P.[MD]No.13864 of 2018.

3.Though, the affidavit filed in support of the condone delay petition is a five page affidavit, the so called reason for the delay is contained in paragraph No.9. We have perused the averments set out in paragraph No.9 of the affidavit and we find that there is absolutely no reason for the inordinate delay of 704 days in filing the Writ Appeal. Though, we are not required to examine the merits of the matter, yet, since submissions were made by the learned Counsel on either side, we have also perused the grounds raised by the appellant in the present appeal and no where we find that the appellant has disputed the specific averments made by the respondent / writ petitioner that the institution does not come under the R.C. management but it comes under the Roman Catholic Congregation of "Immaculate Heart of Mary, Pondicherry". In fact, this is one of the reasons which has weighed the mind of the learned Single Bench to allow the writ petition. In any event, since we find that there is absolutely no explanation for the inordinate delay in filing the writ appeal, we are not inclined to exercise the discretion in the matter.



4. Accordingly, the petition for condonation of delay is dismissed. Consequently, the Writ Appeal stands rejected in the SR stage itself.

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Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar (CS)

MR/RR

+1 cc to M/s.S.Amala Irudhaya Mary , Advocate SR.No.18681

**ORDER MADE IN**  
**C.M.P. [MD]No.3514 of 2021**  
**in**  
**W.A. [MD]No.SR17235 of 2021**  
**02.06.2021**

KM(14.06.2021) 3P 2C