



CMP No.2356 of 2021 in WA No. SR 4417 of 2021

C.M.P.No.2356 of 2021
in W.A.No. SR 4417 of 2021

WEB COPY

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU,J.

(Order of the court was made by the Hon'ble Chief Justice)

This is an application for condonation of delay of 1117 days in filing the appeal.

2. Heard Mr.P.Muthukumar, learned State Government Pleader, assisted by Mr.K.Karthick Jeganath, learned Government Advocate for the applicants; and Mr.S.N.Ravichandran, learned counsel for the respondent.

3. Learned counsel for the respondent opposes the application and submits that no cause, much less sufficient cause, has been mentioned for condonation of the delay. The only reason given is that between March, 2020 and September, 2020, pandemic broke out and, therefore, further action could not be taken. The partial lockdown orders were operating. As such, with great difficulty, the applicants have collected the particulars of the respondent and filed writ appeal in



CMP No.2356 of 2021 in WA No. SR 4417 of 2021

WEB COPY

December, 2020 with a delay of 1117 days.

4. The impugned judgment has been delivered by the learned Single Judge on 31.07.2017. The pandemic broke out in March, 2020.

5. Of course, the applicants could have filed the appeal earlier.

6. It needs to be considered that the applicants/appellants have relied upon G.O.Ms.No.39, School Education (D1) Department, dated 21.03.2003 to contend that the post of Craft teacher cannot be converted to Music teacher.

7. At the time of considering the application for condonation of delay, we will also have to consider whether non-condoning the delay would result in illegality being carried out in perpetuity. The said aspect also needs to be considered. G.O.Ms.No.39, dated 21.03.2003 will have to be considered and quietus will have to be given with regard to the interpretation of the same.

8. We would hear the appeal itself at an earlier date.



CMP No.2356 of 2021 in WA No. SR 4417 of 2021

WEB COPY

9. For the reasons stated in the accompanying affidavit, the delay of 1117 days caused in filing the appeal is condoned and the application is allowed and disposed of.

Place the appeal, after numbering, on 03.08.2023.

(S.V.G., C.J.)

(P.D.A., J.)

25.07.2023

bbr



WEB COPY



CMP No.2356 of 2021 in WA No. SR 4417 of 2021

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU,J.

bbr

CMP No.2356 of 2021
in WA No. SR 4417 of 2021

25.07.2023