



C.M.P.No.20936 of 2023
in
WA.SR.No.115167 of 2023

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R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

(Order of the court was made by R.Mahadevan, J.)

This miscellaneous petition has been filed by the petitioners seeking to condone the delay of 1268 days in filing the above writ appeal.

2. Heard the learned counsel for the petitioners, who submitted that the certified copy of the order passed in the writ petition was received by the office of the petitioners on 04.01.2021 and the appeal ought to have been filed on or before 11.03.2021. However, due to administrative reasons, the appeal could not be filed within the time stipulated. Elaborating further, the learned counsel submitted that at the time of passing of the order impugned herein, several writ appeals were pending. In view of the sensitive nature of the issue involved, necessary consultation was made with the higher officials during the month of March 2021 and based on their instructions to prepare writ appeal, the particulars of the respondent were called for during the April 2021 from the schools in which the respondents are working so as to assess their eligibility for their claim of regularization from the initial date of appointment. In the mean while, the appeal papers got mixed up with similar appeal papers and the staff handling this subject were transferred. In such circumstances, G.O.Ms.No.151 School Education 1(1)



Department dated 09.09.2022 came to be issued, wherein new pattern of subordinate administrative offices have been formed, due to which, relocation of files and connected papers to the newly formed offices have been carried out. During the interregnum period, the staff were deployed to common public examinations to standards X, +1 and +2 and subsequent paper valuation, result publication and conducting instant examinations for the failed candidates, etc. In all these processes, there is a delay of 1268 days occurred in filing the appeal, which is neither wilful nor wanton. Therefore, the learned counsel sought to condone the delay in filing the appeal.

3. Despite service of notice to the respondents and their names having been printed in the cause list, there is no representation on their behalf.

4. Having regard to the reasons stated by the petitioners, which appear to be *bona fide*, considering the huge delay in filing the writ appeal, we are inclined to condone the delay subject to payment of costs of Rs.2,000/- by the petitioners to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, within a week's time from the date of receipt of copy of this order.

5. Upon production of receipt for payment of costs, this civil miscellaneous petition stands ordered.

[R.M.D., J.] [M.S.Q., J.]
23.11.2023

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