



C.M.P.(MD)No.7037 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.M.P.(MD)No.7037 of 2022

in

W.A.(MD)SR.No.9196 of 2022

1.The Director of Elementary School Education,
D.P.I.Compound, College Road, Chennai.

2.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.

3.The Assistant Elementary Educational Officer,
Radhapuram Range, Tirunelveli.

... Petitioners / Appellants

Vs.

1.G.Roselin

2.The Correspondent,

TDTA Primary School,

Chokkalingapuram, Tirunelveli District.

... Respondents / Respondents



PRAYER in C.M.P.(MD)No.7037 of 2022: Petition filed under Section 5 of Limitation Act, to condone the delay of 1178 days in filing the Writ Appeal against the order dated 22.11.2016 passed in W.P.(MD)No.22294 of 2016.

PRAYER in W.A.(MD)SR.No.9196 of 2022: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.22294 of 2016, dated 22.11.2016 on the file of this Court.

For Petitioners : Mr.D.Sadiq Raja,
Additional Government Pleader
For R1 : Mr.S.Chellapandian
For R2 : No Appearance

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The reasons stated in the affidavit filed in support of this petition are neither candid nor convincing. Uncondonable delay cannot be condoned in a mechanical manner by the Courts. The law of limitation is substantive and condonation of delay is an exception. Thus, the delay is to be condoned only if the reasons stated are convincing and justifiable. In the event of condoning enormous delay in a routine manner, the same would cause prejudice to the interest of other parties, as the settled issues cannot be opened after a lapse of



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many years. However, in the present case, the learned Additional Government Pleader appearing on behalf of the petitioners raised certain serious issues affecting the departmental affairs and if that being the submissions, the petitioners are at liberty to prefer a review.

2.With this liberty to file a review, this Civil Miscellaneous Petition stands dismissed. Consequently, W.A.(MD)SR.No.9196 of 2022 is also rejected at SR stage itself.

(S.M.S., J.) & (V.L.N., J.)
06.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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