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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Sixth day of July Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice S.VAIDYANATHAN
and
The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY
CMP(MD) No.2251 of 2023
in
WA(MD) SR.No.11333 of 2023

- 1 THE JOINT DIRECTOR OF ELEMENTARY EDUCATION,
CHENNAI.
 - 2 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
DINDIGUL DISTRICT.
 - 3 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
NATHAM, DINDIGUL DISTRICT. ... PETITIONERS/APELLANTS
- Vs**
- 1 S. ROSALI,
ST. FRANCIS XAVIER R.C. MIDDLE SCHOOL,
AAVICHIPATTI, DINDIGUL DISTRICT.
 - 2 THE CORRESPONDENT,
ST. FRANCIS XAVIER R.C. MIDDLE SCHOOL,
AAVICHIPATTI, NATHAM TALUK, DINDIGUL DISTRICT.
 - 3 S. AMALRAJ,
HEADMASTER, ST. FRANCIS XAVIER R.C. MIDDLE SCHOOL,
AAVICHIPATTI, NATHAM TALUK,
DINDIGUL DISTRICT. ... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 578 days in filing the writ appeal against the impugned order dated 04.06.2019 passed in W.P.(MD). No. 13848/2020.

PRAYER in WA(MD)SR.No.11333 of 2023:

Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed in W.P(MD)No.13848 of 2010 dated 04.06.2019 and allow the Writ Appeal.

Prayer in WP(MD). 13848/ 2010 :

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 pertaining to the impugned order dated 25.10.2010 on the file of the Respondent No.4 and quash the same as illegal and consequently to retain the Petitioner in the Post of the Head Mistress in the 4th Respondent School as per the earlier order of promotion dated 07.07.2010 on the file of the Respondent No.4.



ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.SACHI KUMAR.D, Additional Government Pleader for the petitioners and of Mr.S.RAJASEKAR, Advocate on behalf of the 1st Respondent and Mr.C.VENKATESH, Advocate for M/s.AJMAL ASSOCIATES, for the 3rd respondent and none appeared either in person or through by an advocate on behalf of the 2nd respondent, the Court made the following order:-

Heard Mr.D.Sachikumar, learned Additional Government Pleader, appearing for the petitioners, Mr.S.Rajasekar, learned counsel for the first respondent and M/s.Ajmal Associates for the third respondents.

2. Though the second respondent has been served and his name has been printed in the cause list, he has not appeared either in person or through his counsel. The learned counsel appearing for the 3rd respondent has no objection for allowing the petition.

3. Considering the reasons assigned in the affidavit and the length of delay, this civil miscellaneous petition is allowed and the delay of 578 days in filing the above appeal is condoned on payment of a cost of Rs.5,000/- (Rupees Five Thousand only) to the Madurai Bench of Madras High Court Advocates Welfare Fund (Account No.7087208431, Indian Bank, Madurai High Court Branch, IFSC No.ID1B000H040), failing which the Petition shall stand dismissed automatically without further reference to the Court.

4. Registry is directed to number the writ appeal, if the papers are otherwise in order, and post it for admission in the usual course, printing the name of the learned counsel appearing for the respondents 1 and 3.

sd/-

06/07/2023

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/07/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JOINT DIRECTOR OF ELEMENTARY EDUCATION, CHENNAI.

2 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER, DINDIGUL DISTRICT.

3 THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, NATHAM, DINDIGUL DISTRICT.



Copy to:

- 1 THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 3 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP (MD) No.2251 of 2023
in
WA (MD) SR.No.11333 of 2023
Date :06/07/2023

SS/BUC/12/07/2023/3P/7C