



C.M.P.No.9753 of 2024
in W.A.No. SR 57302 of 2024

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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI,J.

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

This petition has been filed by the petitioners to condone the delay of 403 days in filing the appeal against the order dated 8.2.2023 passed in W.P.No.15093 of 2018.

2. In the affidavit filed in support of the petition, there is no proper explanation for the delay. Even in the better affidavit filed by the second petitioner, no satisfactory explanation is averred for the delay. On a reading of the better affidavit, we find that what was stated in the original affidavit has been reiterated.

3. The first respondent objected the petition for condonation of delay by filing counter stating that the petitioners have not given any sufficient and cogent reason for condoning the delay in filing the appeal. They have simply stated that the bundle misplaced.



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4. The matter relates to promotion of the first respondent to the post of Principal. The first respondent contended that he is qualified for the said post and, therefore, the learned Single Judge rightly allowed the writ petition.

5. Though this Court is not convinced with the reasons stated in the affidavit/better affidavit filed in support of this petition, in view of the settled position of law that when technical considerations are pitted against the cause for substantial justice, the cause for substantial justice has to be given greater weightage, we are inclined to condone the delay of 403 days in filing the appeal, on condition that the petitioners pay a sum of Rs.5,000/- (Rupees Five Thousand only) towards costs to the first respondent within one week from the date of receipt of a copy of this order.

6. Subject to payment of the aforesaid costs, this miscellaneous petition is ordered.



C.M.P.No.9753 of 2024
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7. On compliance of the condition imposed herein above, the Registry is directed to number the appeal, if it is otherwise found to be in order, and list the same before the Court for admission.

(D.K.K., A.C.J.)

(P.B.B., J.)

23.09.2024

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