



W.A.(MD).No.2139 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.2139 of 2024
and
C.M.P.(MD)No.15108 of 2024**

- 1.The Director of Elementary Education,
Chennai – 06.
 - 2.The District Educational Officer (Elementary),
Sivagangai,
Sivangagai District.
 - 3.The Block Development Officer,
Ilayankudi,
Sivagangai District.
- ... Appellants

-vs-

- 1.Nambikai Mery
 - 2.The Accountant General (A & E),
361, Anna Salai,
Teynampettai,
Chenani.
 - 3.The Correspondent,
St.Anthony's Middle School,
Kalvailipottai,
Ilayankudi Taluk,
Sivagangai District.
- ... Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.4782 of 2023, dated 12.06.2023.

For Appellants : Mr.S.P.Maharajan
Special Government Pleader
For 1st Respondent : Mr.V.Panneer Selvam

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Mr.V.Panneer Selvam, learned counsel takes notice for the 1st respondent.

2.The issue raised in the Appeal is squarely covered by the judgment of this Court in W.A.No.1702 of 2010, which has been confirmed by the Hon'ble Supreme Court in S.L.P.No.6253 of 2011.

3.The learned Special Government Pleader would however contend that the Writ Petitioner is guilty of latches.

4.We find that the latches cannot be attributed to the writ petitioner in as much as the issue has been agitated by the Association between 2015 and 2019 and the Writ Petition filed by the Association was allowed and upon challenge by the State, the Hon'ble Division Bench of this Court had held that this cause has to be espoused by individuals and not by the



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Association. This judgement of the Hon'ble Division Bench was passed on 26.06.2019. Thereafter, the petitioner have made several representations and finally the petitioner's representation was rejected in the year 2022. Therefore, the petitioner cannot be held to be guilt of latches.

5.Hence, the Writ Appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
28.10.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Mrn

To

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