



C.M.P.(MD)No.2370 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.11.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

C.M.P.(MD)No.2370 of 2021
in
W.A.(MD)SR.No.16937 of 2019

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
 - 2.The Director of School Education,
College Road,
Chennai-600 006.
 - 3.The Chief Educational Officer,
Kanyakumari District.
 - 4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.
- ... Petitioners / Appellants

Vs

- 1.N.Mercy
 - 2.The Correspondent,
Concordia Higher Secondary School,
Pootetti,
Kanyakumari District.
- ... Respondents / Respondents



C.M.P.(MD)No.2370 of 2021

Prayer in C.M.P.(MD)No.2370 of 2021: Petition filed under Section 5 of the Limitation Act, praying this Court to condone the delay of 836 days in filing the above writ appeal against the order dated 30.11.2016 made in W.P.(MD)No.22861 of 2016.

Prayer in W.A.(MD)SR No.16937 of 2019: Writ Appeal filed under Clause 15 of the Letters Patent, praying this Court against the order dated 30.11.2016 passed in W.P.(MD)No.22861 of 2016.

For Petitioners : Mr.V.Om.Prakash
Government Advocate
For Respondents : Mr.E.V.N.Siva
for R1

COMMON ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The first respondent herein was appointed as B.T.Assistant (Science) in Concordia Higher Secondary School, Pootetti on 02.11.2011. The Concordia Higher Secondary School is a minority



C.M.P.(MD)No.2370 of 2021

institution. Therefore, the first respondent need not possess TET qualification. However, citing lack of TET qualification, her approval was declined. That led to filing of W.P.(MD)No.22861 of 2016. The writ petition was allowed on 30.11.2016. Questioning the same, this intra-court appeal has been filed. The appeal was not filed in time. There is a delay of 836 days in filing the writ appeal.

3. The learned counsel for the writ petitioner states that the writ appeal was filed four years after the contempt petition was filed. We went through the affidavit filed in support of C.M.P.(MD)No.2370 of 2021. The reasons given therein are absolutely unacceptable. It is true that in the case of Government, one can adopt indulgent approach. But then, 836 days is inordinately long. Even on merits, the appellant have no case. C.M.P.(MD)No.2370 of 2021 is dismissed. The Writ Appeal is dismissed at the SR stage. No costs.

(G.R.S., J.) (R.P., J.)
27.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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C.M.P.(MD)No.2370 of 2021

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27.11.2024