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C.M.P.(MD) No.2854 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

C.M.P.(MD)No.2854 of 2023

and

W.A.(MD)SR.No.14602 of 2023

- 1.The Director of School Education,
Chennai-600 006.
- 2.The District Elementary Educational Officer,
Tuticorin.
- 3.The Assistant Elementary Educational Officer,
Ottapidaram, Tuticorin District.
- 4.The Accounts Officer (Audit),
School Education Department,
Madurai.
- 5.The Joint Director of Elementary Education,
Tuticorin.

... Petitioner

-Vs-

- 1.S.Charles Rajakumar
- 2.The Correspondent,
R.C.Middle School,
Puthiyamputhur (Post),
Pincode-628 402,



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Tuticorin District.

... Respondents

PRAYER in C.M.P.(MD)No.2854 of 2023: Petition filed under Section 5 of the Limitation Act, praying this Court to condone the delay of 581 days in filing the writ appeal against the order dated 24.04.2019 made in W.P.(MD)No.4400 of 2017.

PRAYER in W.A.(MD)SR.No.14602 of 2023: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 24.04.2019 made in W.P.(MD)No. 4400 of 2017.

For Petitioner : Mr.D.Sadiq Raja
Additional Government Pleader
For R2 : Mr.S.Savarimuthu
for Father Xavier Associates

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

This petition has been filed to condone the delay of 581 days in filing the writ appeal against the order made by this Court in W.P.(MD)No.4400 of 2017 dated 24.04.2019.

2.On perusal of the entire affidavit filed in support of this petition, this Court is of the view that the reasons assigned by the petitioners are formal in



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nature without any sufficient cause. The inordinate delay of 581 days cannot be condoned as a matter of right.

3.Considering the fact that the petitioners have not adduced any sufficient reasons for condoning the delay, we are not inclined to entertain this petition. Accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, connected W.A.(MD)SR.No.14602 of 2023 is rejected at SR stage itself.

[D.K.K., J.] & [R.V., J.]
31.01.2024

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

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