



CMP(MD) No.8513 of 2023

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

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD) No.8513 of 2023
in
WA(MD)SR.No.49882 of 2023

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
NOW DISTRICT EDUCATION OFFICER,
TENKASI, TIRUNELVELI DISTRICT.

2 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
NOW BLOCK EDUCATIONAL OFFICER,
KEELAPAVUR, TIRUNELVELI DISTRICT. ... PETITIONERS/APPELLANTS

Vs

1 P. CHANTHIRAKALA

2 THE SECRETARY
KAMARAJ MEMORIAL HINDU MIDDLE SCHOOL,
VINAITHEERTHANADARPATTI,
KEELAPAVOOR,
TIRUNELVELI DISTRICT.

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous 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 462 days in filing the impugned order dated 24.01.2022 passed in WP(MD). No.16208/2018 until the disposal of the Writ Appeal.



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PRAYER in WA(MD)SR.No.49882 of 2023:

Writ Appeal filed under Clause 15 of Letters Patent, Pleaded to set aside the order dated 24.01.2022 passed in WP(MD)No.16208/2018.

Prayer in WP(MD). 16208/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to approve the appointment of the petitioner with effect from 02/06/2003 and to count the service of the petitioner from 01/10/1997 to 02/06/2003 for pension benefits and confer all the consequential benefits to the petitioner.

ORDER : This Civil Miscellaneous 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 Mr.D.SADIQ RAJA, Additional Government Pleader for the petitioner and of Mr.N.PANNEER SELVAM, Advocate on behalf of the 1st Respondent, the Court made the following order:-

(Order of the Court was made by D.KRISHNAKUMAR, J.)

This petition is filed to condone the delay of 462 days in filing the W.A.SR.(MD)No.49882 of 2023.

2. Though the second respondent School has been served and their name has been printed in the cause list, they have not appeared either in person or through their counsel. The learned counsel for the first respondent / contesting respondent has no serious objections for allowing this application.

3. We have gone through the entire affidavit filed in support of this application. The reasons stated in the affidavit are not acceptable reasons. Even



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according to the petitioners, the issue has already been decided by this Court in favour of the appellant. However, considering the request made by the learned counsel for the petitioner, this petition can be allowed on payment of cost of Rs.5,000/- (Rupees Five Thousand only). The said amount shall be paid to the credit of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)] within a period of one week from the date of receipt of a copy of this order.

4. Registry is directed to mark a copy of this order to the Director of Elementary Education, Chennai, to enable him to call for explanations from the petitioners for not filing the Appeal within a reasonable time.

5. Post the matter after two weeks for reporting compliance.

sd/-
23/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJ



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TO

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
NOW DISTRICT EDUCATION OFFICER,
TENKASI, TIRUNELVELI DISTRICT.

2 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
NOW BLOCK EDUCATIONAL OFFICER,
KEELAPAVUR, TIRUNELVELI DISTRICT.

COPY TO:

- 1 THE DIRECTOR OF ELEMENTARY EDUCATION,
CHENNAI.
- 2 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.8513 of 2023
in
WA(MD)SR.No.49882 of 2023
Date :23/01/2024

SS/JGB/SAR- /31/01/2024/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023