



C.M.P.(MD) No.9962 of 2021

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.9962 of 2021

and

W.A.(MD)SR.No.55231 of 2021

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.

2.The Director of Collegiate Education,
College Road, Chennai-600 006.

3.The Joint Director of Collegiate Education,
Tiruchirappalli Region, Tiruchirappalli,
Tiruchirappalli District-620 020.

... Petitioners

-Vs-

1.The Secretary,
St.Joseph's College (Autonomous),
Tiruchirappalli-625 002,
Tiruchirappalli District.

2.Bharathidasan University,
Rep.by its Registrar,
Palkalaiperur,
Tiruchirappalli District-620 024.

... Respondents



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PRAYER in C.M.P.(MD)No.9962 of 2021: Petition filed under Section 5 of the Limitation Act, praying this Court to condone the delay of 863 days in filing the writ appeal against the order dated 30.10.2017 made in W.P.(MD)No.3095 of 2017.

PRAYER in W.A.(MD)SR.No.55231 of 2021: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 30.10.2017 made in W.P.(MD)No.3095 of 2017.

For Petitioners : Mr.D.Sadiq Raja
Additional Government Pleader
For R2 : Mr.V.R.Shanmuganathan
For R1 : Ms.K.Ragatheskumar
for M/s.Isaac Chambers

ORDER

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

This petition has been filed to condone the delay of 863 days in filing the writ appeal against the order made by this Court in W.P.(MD)No.3095 of 2017 dated 30.10.2017.

2.The Government has issued G.O.Ms.No.270, Higher Education Department dated 17.06.1998, G.O.Ms.No.48, Higher Education (E1)



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Department, dated 12.03.2007 and G.O.Ms.No.138, Higher Education (E1)

Department, dated 20.05.2009 restricting the grant of minority status to the private colleges for a period of five years. Challenging G.O.Ms.No.138, Higher Education-E1, dated 20.05.2009, as it restricts the grant of minority status to the writ petitioner's college, the writ petitioner has have filed the writ petition. This Court by order dated 30.10.2017 allowed the writ petition stating that the minority status granted to the petitioner's college will hold good.

3.The issue involved in this petition is no longer *res integra* as it has already been considered by this Court on various occasions. In light of the law settled by this Court, there is no reason to interfere with the order passed in the writ petition.

4.Further, the reason for such huge delay of 863 days stated in the application is that the petitioners sought an legal opinion as to whether an appeal can be filed against the order passed in the writ petition.

5.Except the said reason, no other sufficient cause was given by the petitioners to condone such huge delay. This Court is of the view that such casual explanations cannot be accepted in the Court of law.



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6.For the reasons stated above, we are not inclined to entertain this petition. Accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, connected W.A.(MD)SR.No.55231 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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AND

R.VIJAYAKUMAR, J.

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