



CMP(MD) No.16672 of 2023

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

Wednesday, the Sixth day of March Two Thousand and Twenty Four

PRESENT

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

CMP(MD) No.16672 of 2023
in
WA(MD) SR.No.84477 of 2023

1 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD,
CHENNAI - 600 006.

2 THE CHIEF EDUCATIONAL OFFICER,
KANYAKUMARI DISTRICT AT NAGERCOIL,
KANYAKUMARI DISTRICT - 629 001.

3 THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI AT MARTHANDAM,
KANYAKUMARI DISTRICT.

... PETITIONERS/ APPELLANTS

Vs

THE CORRESPONDENT,
ST. EPHREMS M.S.C.HIGHER SECONDARY SCHOOL,
SOORICODE - 629 190,
KANYAKUMARI DISTRICT.

... RESPONDENT/RESPONDENT

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 403 days in filing the above Writ Appeal against the order passed in W.P.(MD)No.17765 of 2022 dated 02.09.2022, on the file of this Honourable Court.

<https://www.mhc.tn.gov.in/judis>



CMP(MD) No.16672 of 2023

Prayer in WP(MD). 17765/ 2022 :

To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in Na.Ka.NO. 2419/Aa2/2019 dated 30.12.2021 denying approval to the appointment of C.Valsalal as Bt Assistant (Science), quash the same, and further Direct the 2nd and 3rd respondents to approve forthwith the appointment of C. Valsalal as BT Assistant (Science) in the petitioner school w.e.f. 01.06.2018, with all attendant benefits including arrears of salary.

Prayer in WA(MD) SR.No.84477 of 2023 :

To set aside the judgment dated 02.09.2022 in WP(MD)No.17765 of 2022 on the file of this Hon'ble Court.

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 petitioners, 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 403 days in filing the W.A.SR.[MD] No.84477 of 2023.

2.We have gone through the reasons stated in the affidavit filed in support of this petition. Though normally we are not inclined to condone such inordinate delay, considering the reasons stated in the affidavit, we are inclined to condone the delay on payment of cost. Therefore, the delay is condoned and this petition is allowed on payment of Rs.2000/- (Rupees Two Thousand Only) to the credit of the Environmental Fund Operated by Member Secretary, Tamil Nadu State Legal Services Authority [Account No.6656485009; IFSC Code: IDIB000H040, High Court



CMP(MD) No.16672 of 2023

Branch, Chennai] within a period of one week from today.

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3.Post the matter on 13.03.2024 for reporting compliance.

sd/-

06/03/2024

/ TRUE COPY /

12/03/2024

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

TO

- 1 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.
- 2 THE CHIEF EDUCATIONAL OFFICER,
KANYAKUMARI DISTRICT AT NAGERCOIL,
KANYAKUMARI DISTRICT - 629 001.
- 3 THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI AT MARTHANDAM,
KANYAKUMARI DISTRICT.

COPY TO

THE MEMBER SECRETARY,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
MADRAS HIGH COURT, CHENNAI.

ORDER IN

CMP(MD) No.16672 of 2023 in
WA(MD) SR.No.84477 of 2023

Date :06/03/2024

RS/GS/SAR-(12.03.2024) 3P 5C

Madurai Bench of Madras High Court is issuing
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