



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

Monday, the Sixteenth day of June Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CMP(MD). No.2640 of 2024
In
WA(MD) SR No.12439 of 2024

1. The State of Tamilnadu
Rep.By the Secretary to Government
Education Department St.George Fort
Chennai.
- 2.The Director of School Education, Chennai.
- 3.The Director of Elementary Education, Chennai.
4. The District elementary Education Officer, Nagercoil,
Kanniyakumari District.

... Petitioner/Appellant

Vs

- 1 Bagavathi Kannupillai
- 2 Uchumahazhi
- 3 Charles
- 4 Savarimuthu
- 5 Aruldass



6 Muthu Nadar

7 Sundar Raj

8 Ayyappan

... Respondents/Respondents

Prayer :-

This Civil Miscellaneous petition is filed to condone the delay of 163 days in filing the above Writ Appeal filed as against the order passed in WP(MD) No.23365 of 2016 dated 07.08.2023 on the file of this Honourable Court.

ORDER : This Civil Miscellaneous petition coming on for orders on this day, and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.Venkatesh Kumar, Spl Government Pleader, Advocate for the Petitioners and of Mr.T.Wins, Advocate for Respondents 4, 6 and 7 this Court made the following order.

ORDER

(Order of the Court was made by the Hon'ble G.R.SWAMINATHAN J.)

R2, R3, R5 & R8 who are the writ petitioners 2, 3, 5 & 8 appear to have died during the pendency of the writ proceedings.

2. The learned counsel for the writ petitioners produces the copy of the death certificate of Aruldass/ 5th writ petitioner. It is seen that he passed away on 23/03/2019 and that the order was pronounced on 07/08/2023. It is well settled that



the order in the name of the dead persons is nullity. Therefore, in respect of these four persons, the writ petition should have deemed to have abated. Liberty is given to the legal heirs to work out their rights in the manner known to law.

Delay is condoned . This Civil Miscellaneous Petition is allowed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ / 2025

Sub-Assistant Registrar
(C.S - I / II/ III / IV)

CMP(MD) No.2640 of 2024

Date :16/06/2025

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CD PURPOSE
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Giving direction and etc., as stated within.

CT (29/08/2025) 3P/2C

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