



CMP.No.21405 of 2025 in WA.SR.No.38456 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CMP.No.21405 of 2025 and
WA.SR.No.38456 of 2023

1. G.Balasivasankar

Petitioner-CMP/
Appellant-WA.SR

Vs

1. The Secretary to Government, Higher Education Department
Fort St.George, Chennai 600009

2. The Registrar, Annamalai University, Annamalai Nagar,
Chidambaram 608002

3. The Director of Technical Education, Guindy, Chennai

4. University Grants Commission (UGC),
Baghadur Shah Marg, New Delhi -2

5. All India Council for Technical Education
(AICTE), Delhi

Respondents-CMP/
Respondents-WA.SR



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Prayer:- This CMP.No.21405 of 2025 is filed, under Order IV Rule 9(4) of the Rules of the High Court, Madras, Appellate Side, 1965, to condone the delay of 847 days in representing the WA.SR.No.38456 of 2023.

Prayer:- This WA.SR.No.38456 of 2023 is filed, under Clause 15 of the Letters Patent, 1862, against the order of the Writ Court, dated 23.01.2023, passed in WP.No.7457 of 2021.

For Petitioner/Appellant : Mr.M.Muthappan

For Respondent(s) : Mr.A.Selvendran, SGP-RR1 and 3

ORDER

(Order of the Court was made by Shamim Ahmed, J.)

1. This CMP.No.21405 of 2025 is filed, under Order IV Rule 9(4) of the Rules of the High Court, Madras, Appellate Side, 1965, to condone the delay of 847 days in representing the WA.SR.No.38456 of 2023.
2. This WA.SR.No.38456 of 2023 is filed, under Clause 15 of the Letters Patent, 1862, against the order of the Writ Court, dated 23.01.2023, passed in WP.No.7457 of 2021.
3. The facts of the case, in a nutshell, necessary for disposal of the same, are as follows:-

(a) The Petitioner/Appellant was appointed as a Lecturer in the 2nd Respondent University on 30.11.2004 and thereafter, he was



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promoted as an Assistant Professor, Stage I in the year 2009. By a letter dated 15.05.2008, he was permitted to do Ph.D degree in the Indian Institute of Technology, New Delhi for the period from 2009-2012. Extension of time was granted from 21.07.2012 to 31.12.2012 to him to complete the said Degree. However, he was not able to complete his Ph.D within the said period and he rejoined duty.

(b) The study period from 22.07.2009 to 20.07.2012 was excluded and he was not considered for promotion to the post of Associate Professor Stage III and Stage IV. The salary that was paid to the Petitioner during the study period was ordered to be recovered. The representation of the Petitioner was also rejected. Hence, the Petitioner had filed a Writ Petition in WP.No.7457 of 2021, which was dismissed by the order of the Writ Court, dated 23.01.2023. As against the same, the Petitioner had preferred WA.SR.No.38456 of 2023, on 20.03.2023, which was returned by the Registry on 24.03.2023, granting 10 days time for certain compliance. Thereafter, the present Civil Miscellaneous Petition has been filed to condone the delay of 847 days, in representing the above WA.SR.No.38456 of 2023.

4. This Court heard Mr.M.Muthappan, the learned counsel for the



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Petitioner and Mr.A.Selvendran, the learned Special Government Pleader for the Respondents 1 and 3.

5. The learned counsel for the Petitioner submits that the delay of 847 days in representing the above Writ Appeal had occurred due to preparation of translated copies of certain documents and that the said delay is neither deliberate nor willful and hence, the learned Counsel prays this Court to allow this Petition, by condoning the delay in representing the Writ Appeal, in the interest of justice.
6. On the other hand, the learned Special Government Pleader for the Respondents 1 and 3 submits that this Civil Miscellaneous Petition filed under Order IV Rule 9(4) of the Rules of the High Court, Madras, Appellate Side, 1965, is, *prima facie*, not legally maintainable and that the reasons assigned by the Petitioner for condoning such an inordinate delay are vague and not valid reasons and hence, this Civil Miscellaneous Petition is liable to be dismissed.
7. This Court has given its careful and anxious consideration to the contentions put forward by the learned counsel on either side and also perused the entire materials available on record.
8. The present Civil Miscellaneous Petition is one filed under Order IV Rule 9(4) of the Rules of the High Court, Madras, Appellate Side, 1965,



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with a prayer for condoning the delay of 847 days in representing the above Writ Appeal.

9. The standard period of limitation for filing a Writ Appeal is 30 days from the date of the impugned order, as stipulated in the High Court Rules. In the present case, this Civil Miscellaneous Petition has been filed to condone the delay of 847 days in representing the Writ Appeal. However, under Section 5 of the Limitation Act, 1963 and under Order IV Rule 9(4) of the Rules of the High Court, Madras, the Court is empowered to condone the delay if the Petitioner is able to demonstrate "sufficient cause" for not preferring the appeal within the prescribed limitation period. The explanation offered must be reasonable, bona fide, and not indicative of negligence or inaction.

10. In the present case, the reasons assigned by the Petitioner for condoning the delay are that the delay of 847 days had occurred due to preparation of translated copies of certain documents and that the delay is neither willful nor wanton, but due to the circumstances beyond the control of the Petitioner.

11. After perusal of the records, this Court finds that there is neither a satisfactory explanation nor any valid reasons for condoning the inordinate delay of 847 days in representing the Writ Appeal. Hence, the



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present Civil Miscellaneous Petition is a time-barred one and cannot be sustained on the ground of laches.

12.The expression “sufficient cause“ and satisfactory explanation has been held to receive a liberal construction, so as to advance substantial justice and generally, a delay in preferring a petition may be condoned in the interest of justice, where no gross negligence or deliberate inaction or lack of bona fide is imputable to parties, seeking condonation of delay. In the case of **Collector, Land Acquisition Vs. Katiji, reported in 1987(2) SCC 107**, the Honourable Supreme Court said that when substantial justice and technical considerations are taken against each other, cause of substantial justice deserves to be preferred, for, the other side cannot claim to have vested right in injustice being done because of a non deliberate delay. The Court further said that judiciary is respected not on account of its power to legalise injustice on technical grounds, but because it is capable of removing injustice and is expected to do so.

13.In similar issue, facts and circumstances, the Division Bench of this Court, in **WA.SR.Nos.105450 and 106444 of 2024 and CMP.Nos.17783 and 17784 of 2024**, by the judgement, dated, **21.01.2026**, relying on various judgements and orders of the Honourable Supreme Court, was pleased to observe as under:-



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“ 26. After taking into consideration the averments made in the Civil Miscellaneous Petitions, under Section 5 of the Limitation Act and after hearing the learned counsel for the Petitioners/appellants , this Court is not satisfied that the Petitioners/appellants have explained the delay properly in filing the present Writ Appeals.

27. In our view, the kind of explanation rendered herein does not satisfy the observations of the Honourable Supreme Court that if delay has occurred for reasons, which does not smack of mala fide, the Court should be reluctant to refuse condonation. On the contrary, We find that here is a case, which shows complete careless and reckless long delay on the part of the Petitioners/appellants, which has remain virtually unexplained at all. Therefore, We do not find any reason to exercise our judicial discretion exercising judiciously so as to justify the condonation of delay in the present case.

28. In view of the above, the present Civil Miscellaneous Petitions are liable to be dismissed.

29. In the result, in the light of the said observations and discussions made above and in the light of the decisions referred to above, these Civil Miscellaneous Petitions filed under section 5 of the Limitation Act with a prayer for condoning the delay of 972 days in filing the Writ Appeals is baseless and the same is hereby dismissed.

30. In view of the dismissal of Civil Miscellaneous Petitions, the Writ Appeals are dismissed on the ground of delay and laches. There shall be no order as to cost.”

14.Following the above said judgement, dated, 21.01.2026, made in WA.SR.Nos.105450 and 106444 of 2024 and CMP.Nos.17783 and 17784 of 2024, by the Division Bench of this Court, in similar issue, facts and circumstances, this Court is of the view that this Civil



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Miscellaneous Petition, seeking to condone the delay of 847 days in representing the Writ Appeal is liable to be dismissed and accordingly, it is **dismissed**. Consequently, the above Writ Appeal in WA.SR.No.38456 of 2023 is rejected. There is no order as to costs.

(R.S.K.J.) & (S.S.A.J.)
10.02.2026

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
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To

1. The Secretary to Government, Higher Education Department, Fort St.George, Chennai 600009
2. The Registrar, Annamalai University, Annamalai Nagar, Chidambaram 608002
3. The Director of Technical Education, Guindy, Chennai
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R.SURESH KUMAR, J.
and
SHAMIM AHMED, J.

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