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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

C.M.P.(MD)No.4958 of 2025

and

W.A.(MD)No. SR 22487 of 2025

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

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

3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

4.The District Educational Officer,
Valliyoor-627 116,
Tirunelveli District.

... Petitioners

Vs.

1.J.Gnana Selvam

2.The Correspondent,
St.Teresa's Higher Secondary School,
Vadakankulam-627 116,
Tirunelvelli District.

... Respondents



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PRAYER in C.M.P.(MD)No.4958 of 2025:- Petition filed under Section 5 of the Limitation Act, to condone the delay of 733 days in filing the writ appeal as against the order dated 08.02.2023 passed in W.P.(MD)No. 16915 of 2018.

PRAYER in W.A.(MD)No.SR 22487 of 2025:- Appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 08.02.2023 passed in W.P.(MD)No.16915 of 2018.

For Petitioner : Mr.J.Ashok
Additional Government Pleader
For Respondents : No Appearance

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

This petition is filed seeking to condone the delay of 733 days in filing the above writ appeal.

2. The reasons assigned in the application for the delay of 733 days are the paper got mixed up with other bundles and misplaced. Thereafter, it was traced and sent for legal opinion.



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3. This Court is of the view that the reasons mentioned in the affidavit are bereft of details. The reasons to condone the delay must be bona fide. Simply on the ground of administrative delay, as a matter of right, the Court cannot presume sufficient cause.

4. In this regard it is useful to refer the judgment of the Division Bench of this Court in ***State of Tamil Nadu and Ors Vs. Melvisharam Muslim Educational Society*** reported in **2018 [3] CTC 420**, wherein the Division Bench of this has held as follows:

“... Though the delay is condoned by the Court normally in a liberal manner, the said approach cannot be extended mechanically without any plausible explanation. What is pitted against an ordinary litigant is also pitted against the Government before Court of law to establish a particular fact. Though the word ? sufficient cause? has to be given a liberal approach, to exercise discretion ? for such liberal approach, there must be necessary facts in the affidavit filed in support of the same. But, on a perusal of the affidavit, we do not find plausible explanation for such delay except stating that there is an administrative delay. Such vague and bald explanation cannot be accepted mechanically. When Courts are extending such liberal approach mechanically, it has become a routine affairs of the Government Departments to file the appeals against every order passed by the Court. The present day scenario in filing the appeal, challenging every order by the Government Departments, clearly



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exhibits shirking responsibility of the Department Heads. In fact, now the tendency has developed among the Department Heads, not to take any risk and to avoid any question relate to the litigant and only in order to avoid any query, the administrative side files these types of appeals, though there is no merit in the appeal.”

5. When the law mandates that a particular activity shall be performed within a stipulated time, the same cannot be diluted. What is pitted against the common man is equally applied against the Government. They cannot sit over the files and come to the Court belatedly with some flimsy reasons. A Court granting indulgence must be satisfied that there was diligence on the part of the appellants. When there is no sufficient cause for condoning the delay, the said delay cannot be condoned as a matter of right.

6. The Court, in exercising discretion, particularly in these types of petitions, has to see the conduct, behaviour and attitude of a party relating to its inaction or negligence. The above factors are relevant to be taken into consideration as the fundamental principle is that the Courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go-by in the



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name of liberal approach. There is an increasing tendency to perceive delay even in a non-serious matter. Hence, the delay due to nonchalant attitude should be curbed at the initial stage itself. It is for them to be very vigilant from the very inception and they cannot sit over the files and come up with unacceptable reasons to condone the delay.

7. We are not satisfied with the reasons for condoning the delay. Hence, this petition is dismissed. Consequently, Writ Appeal is also rejected at the S.R.stage itself. No costs.

[N.S.K., J.] & [M.J.R., J.]
01.04.2026

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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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