

CMP(MD). No.4339 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02.06.2026

CORAM

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

CMP(MD)No.4339 of 2026

in

WA(MD)SR.No.24963 of 2026

1. The State of Tamil Nadu,
Represented by its Secretary,
Higher Education Department,
Secretariat, Chennai.

2. The Commissioner /Director,
The Directorate of Technical Education
Guindy, Chennai.

... Petitioners/Appellants

Vs.

1. A.Vijaya

2. The Principal,
Ayya Nadar Janaki Ammal Polytechnic College,
Sivakasi.

... Respondents

PRAYER :- Petition filed under Section 5 of the Limitation Act, to condone the delay of 657 days in filing the above writ appeal against the order passed in W.P(MD)No.10690 of 2024 dated 30.04.2024 on the file of this Honourable Court.

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For Petitioners

: Mr.B.Saravanan, Senior Counsel for
Mr.M.P.Senthil, Counsel for State

ORDER

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

This Civil Miscellaneous Petition has been filed to condone the delay of 657 days in filing the Writ Appeal.

2. Heard the learned counsel for State appearing for the petitioners and perused the materials available on record.

3. Perusal of the reasons assigned for the delay shows that administrative reason has been cited to condone the enormous delay of 657 days. Mere citing administrative reason cannot be a ground to condone the delay and each and every day delay has to be explained. In our opinion, the reason cited for the delay is not sufficient reason to condone the delay.

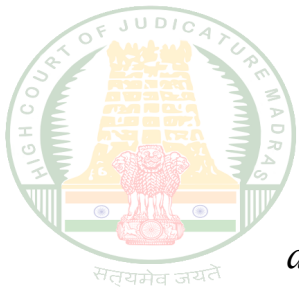


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4. It is well settled that the Court ordinarily adopts a liberal approach while considering petitions for condonation of delay. At the same time, such an approach cannot be extended in the absence of justifiable and sufficient reasons.

5. 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 Court 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



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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 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.”

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 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



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go-by in the 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. In the present case, we are not satisfied with the reasons assigned for condoning such an inordinate delay of 657 days.

8. Accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, the connected W.A(MD)SR.No.24963 of 2026 is rejected at the SR stage itself. No costs.

[N.S.K., J.] & [M.J.R., J.]
02.06.2026

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M.JOTHIRAMAN, J.

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