



C.M.P.(MD) No.18440 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**C.M.P.(MD) No.18440 of 2025
and
W.A.(MD) SR No.96188 of 2025**

1.The Government of Tamil Nadu
rep. by its Additional Chief Secretary
Department of School Educational
Fort St. George,
Chennai - 9.

2.The Director of School Education
DPI Campus, College Road
Chennai -6

3.The Chief Educational Officer
O/o the Chief Educational Officer
Thoothukudi.

4.The District Educational Officer (Secondary)
O/o. the District Educational Officer
Thoothukudi.

... Petitioners

-VS-

The Correspondent

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Holy Cross Girls Higher Secondary School
Thoothukudi.

... Respondent

PRAYER: Petition filed under Section 5 of Limitation Act to condone the delay of 550 days in filing the above writ appeal.

For Petitioners : Mr.J.Ashok
Additional Government Pleader

For Respondent : Mr.Fr.S.Savarimuthu
for M/s.Father Xavier Associates

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

This civil miscellaneous petition has been filed seeking to condone the delay of 550 days in filing the above writ appeal.

2. The reason for the delay of 550 days in preferring the appeal is explained in paragraph Nos. 5 and 7 of the affidavit which is extracted below:

"5. I submit that in the meantime respondent/writ petitioner school preferred in contempt petition Cont.P.(MD).No.3005



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of 2025 alleging disobedience of order dated 05.04.2024 passed in W.P. (MD).No. 7215 of 2024 and in the said contempt petition department have produced the rejection order, but Hon'ble Justice refused accept the same. Hence this writ appeal. I crave leave of this Hon'ble court to treat the memorandum of grounds writ appeal as part and parcel of this affidavit.

6. I submit that order was passed on 05.04.2024. Order copy was received on 05.06.2024. I submit that immediately the order passed by this Hon'ble Court in writ petition along with proposal and rejection proceedings passed by the 4th appellant and after verification it was pointed out by the higher officials treating the appointment of Mrs. Vimala as valid from 01.07.2018, ignoring that the proposal for approval was submitted belatedly only on 21.06.2019, i.e., nearly one year later. As per the established departmental practice and instructions, proposals must be submitted within 30 days from the date of appointment. Once there is such an inordinate delay, the proposal must be considered based on the norms prevailing on the date of submission, not on the date of appointment. Hence, the norms of G.O.Ms.No.238 dated 13.11.2018 and G.O.Ms.No.64 dated 03.04.2018 rightly governed the case, by pointing out reasons assigned by the 4th appellant and the above reasons have directed to get legal opinion."

Mr.Fr.S.Savarimuthu, learned counsel for the respondent, in his counter, states that the abovesaid reasons are not sufficient to condone the delay. However, considering the fact that the reasons stated in the affidavit is



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sufficient to condone the delay, we are of the view that the delay of 550 days to be condoned on cost. Accordingly, the petition for condonation of delay is allowed on cost of Rs.5,000/- payable to the respondent **on or before 5.03.2026.**

5. On production of prove of payment of cost, Registry is directed to number the writ appeal, if the papers are otherwise in order and post the same for admission in the usual course.

[G.J., J.] [K.K.R.K., J.]

19.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

apd

To:
The Correspondent
Holy Cross Girls Higher Secondary School
Thoothukudi.



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