Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE E.MANOHARAN

CMP No. 31038 of 2026
and
WA SR No. 53802 of 2026

1. The Government of Tamil Nadu
   Rep. by its Secretary,
   School Education Department,
   Fort St. George,
   Chennai-09.

2. The Director of School Education
   Chennai-06.

3. The Joint Director
   Higher Secondary-Vocational,
   College Road,
   Chennai-06.

4. The Chief Educational Officer
   Villupuram District.

5. The Head Master
   Angavai Sangavai Government Higher
   Secondary School,
   Tirukkovilur,
   Villupuram District.

..Appellants

Vs

R.Bhuvaneswari

..Respondent

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Prayer: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 809 days in filing the WA against the order dated 29.11.2023 passed in WP No. 19020 of 2023.

For Appellants: Ms.P.Mahalakshmi
Additional Government Pleader

ORDER

(*Order of the Court was made by Dr.G.Jayachandran J.***)**

This intra-court appeal has been filed by the Government of Tamil Nadu, represented by the Secretary, School Education Department, being aggrieved by the order passed by the learned Single Judge in a batch of Writ Petitions dated 29.11.2023.

2. Though a common order was passed in about 37 cases in the year 2023, the intra-court appeal has been filed casually after a delay of 809 days. We shocked to see the reasons stated in the affidavit filed by the Chief Educational Officer, Kallakurichi District, justifying the delay of 809 days in preferring the appeal. It is a very serious matter with grave consequences affecting the exchequer.

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3. The affidavit is extracted below to expose the audacity of the department and the cavalier manner in which the Education Department in Tamil Nadu functions when it concerns its own staff. A clear collusion among the higher officials and the writ petitioners to improperly obtain financial benefits and to avoid contesting the same in time, has come to our notice time and again. This is a classic example where the entire hierarchy of the Education Department of Tamil Nadu acts in collusion to obtain improper orders without proper scrutiny or placing relevant records before the Court, files appeals with considerable delay and later allows contempt petitions to be filed so they can comply with illegal orders citing the pendency of such contempt petitions, ultimately draining the public exchequer.

4. We are constrained to use these harsh words because the affidavit filed to condone delay of 809 days clearly buttresses our observations. Hence, we extract the affidavit as under:-

> "5.*It is submitted that the order has been passed dated 29.11.2023 in W.P. No. 19020 of 2023. It is further submitted that during the months of November and December 2023, half yearly examinations were held. Hence, there was delay during the said months in preparation.*
>
> *6. It is further submitted after Christmas, 2024 and New Year, 2024 and Pongal holidays, that the*

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practical examination for 10th, 11th and 12th Std Students from 01.03.2024 to 08.04.2024, the 4th Petitioner/Appellant was conducting and monitoring the practical examination district level and the common public examinations have been sched.

7. It is further submitted that, in the meantime, the Gazette Notification for the General Election for Lok Sabha -2024 was announced on 20.03.2024 and the polling in Tamil Nadu was on 19.04.2024. It is further submitted that the 4th applicants were appointed as nodal /Zonal authorities for allocation of Election Duty for the Teaching and Non-Teaching staff in District level and the staff of the respective offices were directed to attend election training class, hence the writ appeal filling process has been delayed during the election schedule as stated above. It is further submitted that the paper valuation work HSC, +1 and S.S.L.C, were conducted in the months of April and May 2024.

8. It is further submitted that the supplementary examinations for the standard of 10th ,11th and 12th for the failed candidates took place from 24.06.2024 to 09.07.2024, Further the paper valuation for supplementary examinations were being done from 06.07.2024 to 22.07.2024. since, the staff of the educational offices were diverted to attend the above said work there was a delay in processing the writ

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Appeal during the above-mentioned months.

9. It is further submitted that the accountant general Audit was conducted from 29.07.2024 to 07.08.2024. Additionally, the proposals for the Dr. Radhakrishnan award for best teacher were made from 08.08.2024 to 12.08.2024, Furthermore, the number statement report was collected and verified for accumulating the details of all teachers and non-teaching staff budget allotment works were done from 12.08.2024 to 30.08.2024.

10. It is further submitted that the Appellant organizing the special work for collecting number statement from 05.09.2024 to 28.09.2024 in district level regarding the details of teaching and non-teaching staff for budget allocation for the next financial year.

11. It is further submitted that during the months of October, November and December 2024, half yearly examinations were held. Hence, there was delay during the said months in preparation.

12. It is further submitted after Christmas, 2025 and New Year, 2025 and Pongal holidays, that the practical examination for 10th, 11th and 12th Std Students from 05.03.2024 to 15.04.2024, the 4th Petitioner/ Appellant was conducting and monitoring the practical examination district level and the common public examinations have been sched.

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13. It is further submitted that during the months of April and May 2025 the 4th Appellant was engaged in supervising 11th and 12th paper valuation, camp duty from 01.04.2025 to 03.05.2025 and additionally the appellant was involved in admission campaign. Monitoring school reopening preparatory works and Hon'ble court vacation in the month of May 2025.

14. It is further submitted that the supplementary examination for the 10th, 11th and 12th standards for the failed candidates were conducted from 25.06.2025 to 11.07.2025. It is further submitted that the accountant general Audit was conducted from 29.07.2025 to 07.08.2025. Additionally, the proposals for the Dr. Radha Krishnan award for the more the number statement report was collected and verified for accumulating the details of all teachers and non-teaching staff budget allotment works done from 12.08.2025 to 30.08.2025.

15. It is further submitted that the Appellant Organizing the special work for collecting number statement from 05.09.2025 to 28.09.2025 in district level regarding the details of teaching and non-teaching staff for budget allocation for the next financial year.

16. It is further submitted that the 4th Petitioner / Appellant made preparatory works and

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conducting Kalai Thiruvizha competition for the students who were studying 1st to 8th Std., from 12.10.2025 to 07.11.2025 in district level. Further during the month of November and December, 2025, Half yearly examination was held.

17. It is further submitted after Christmas, 2025 and New Year, 2026 and Pongal holidays from 11.01.2026 to 18.01.2026. Students were conducted in the month of February, 2026, the 4th petitioner/ Appellant was conducting and monitoring the practical examination district level and the common public examinations have been scheduled. Due to the above-mentioned responsibilities, there arose a delay in processing the Writ appeal. Subsequently, the Writ Petition papers were submitted in full shape to officials and therefore filed with a delay of 809. It is respectfully submitted that the delay was neither willful nor wanton."

5. The reasons assigned for not filing the appeal against the order passed on 29.11.2023 fall under four heads: first, the intervention of Christmas, New year and Pongal holidays during the months of December 2023 and January 2024; second, the practical examinations for 10th, 11th and 12th standards during the months of March and April 2024; third, the Lok Sabha elections in the months of March and April 2024; and fourth, paper valuation in the months

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of April and May 2024 followed by supplementary examinations in the months June and July 2024. Thereafter, the Accountant General Audit conducted during the month of August 2024, proposals for the Dr.Radhakrishnan Best Teacher Award, collecting details of teaching and non-teaching staff for budget allocation and half-yearly examination during the months of October and November 2024 have been cited.

6. The very same reasons are repeated for the entire next year (i.e.) 2025. In addition to this, the officer, who has sworn the affidavit has also cited the Court vacation in the month of May as one of the reasons for the delay. She found time to conduct *kalai thiruvizha* competition for students at the district level, but not for pursuing the appeal.

7. When it comes to the question of condoning the delay, it is trite law that delay cannot be condoned in a mechanical manner and the reasons given has to be bona-fide, in order for the Court to consider the same as condonable. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court in ***2013 (4) SCC 57 [Union of India v. Nripen Sarma]*** wherein the Division Bench had dismissed the appeal filed by the Union of India on the ground of inordinate delay of 230 days. When the matter was taken on appeal, the Hon'ble Supreme Court has observed as follows:-

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> *"6. The Union of India ought to have been careful particularly in filing this civil appeal because the Division Bench, by the impugned order, has dismissed the appeal before it on the ground of delay. It is a matter of deep anguish and distress that majority of the matters filed by the Union of India are hopelessly barred by limitation and no satisfactory explanations exist for condoning inordinate delay in filing those cases."*

8. The Hon'ble Supreme Court in ***2013 (12) SCC 649 [Esha Bhattacharjee v. Raghunathpur Nafar Academy]*** while laying down the principles governing application for condonation of delay held that Courts must adopt a liberal, pragmatic, justice oriented and non-pedantic approach for condonation of delay and they are not supposed to legalise injustice but are obliged to remove injustice. The Hon'ble Supreme Court, among others, also held that the expression "sufficient cause" should be understood in its proper spirit, philosophy and purpose and that although no presumption can be attached to deliberate causation of delay but gross negligence on the part of the counsel or litigant is to be taken note of.

9. The Hon'ble Supreme Court held that lack of bona-fide imputable to a party seeking condonation of delay and the conduct, behaviour and attitude of the said party in relation to its inaction and negligence are significant and

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relevant factors to be taken into consideration. It was further observed that if the explanation offered is concocted or the grounds urged in the application are fanciful, the Courts should be vigilant not to expose the other side unnecessarily to face such a litigation. Notwithstanding the above finding of the Hon'ble Supreme Court, it is apposite to extract the following para from the said judgment, as it is most relevant to the situation at hand:

> *"22.4. (d) The increasing tendency to perceive delay as a non-serious matter and, hence, lackadaisical propensity can be exhibited in a nonchalant manner requires to be curbed, of course, within legal parameters."*

10. Reliance is also placed on the judgment of the Hon'ble Supreme Court in ***2025 SCC Online SC 1093 [Thirunagalingam Vs. Lingeswaran and Another]***, wherein it has observed as follows:

> *"31. It is a well-settled law that while considering the plea for condonation of delay, the first and foremost duty of the court is to first ascertain the bona fides of the explanation offered by the party seeking condonation rather than starting with the merits of the main matter. Only when sufficient cause or reasons given for the delay by the litigant and the opposition of the other side is equally balanced or stand on equal footing, the court may consider the merits of the main matter for the purpose of condoning the delay.*

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32. Further, this Court has repeatedly emphasised in several cases that delay should not be condoned merely as an act of generosity. The pursuit of substantial justice must not come at the cost of causing prejudice to the opposing party. In the present case, the respondents/defendants have failed to demonstrate reasonable grounds of delay in pursuing the matter, and this crucial requirement for condoning the delay remains unmet.

33. Therefore, in the case at hand, once it has been established that the reasons provided for condoning the delay in the application filed are not sufficient, we are not inclined to go into the merits of the contentions raised by the learned counsel of Respondents regarding Section 14 of the Limitation Act, 1963."

11. Finally, the relevant portions of the judgment of this Court in ***2003 (1) LW 585 [Sundar Gnanaolivu rep. by his Power of Attorney Agent Mr. Rukmini v. Rajendran Gnanavolivu Rep. By its Power of Attorney Agent Veina Gnanavolivu]*** is also extracted herein:-

"14-A. In yet another Division Bench Judgment reported in 1990 (1) LLN 457 (Tamil nadu Mercantile Bank Ltd. Tuticorin v. Appellate Authority Under The Tamil Nadu Shops And Establishments Act, Madurai And Another), the principles relating to rule of limitation have been discussed and the legal position has been stated by

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His Lordship Mr. Justice M. Srinivasan, as he then was, in paragraphs 14 and 17 which read as under:

"14. ……..If a litigant chooses to approach the Court long after the time prescribed under the relevant provisions of the law, he cannot say that no prejudice would be caused to the other side by the delay being condoned. The other side would have in all probability destroyed the records thinking that the records would not be relevant as there was no further proceeding in the matter. Hence to view a matter of condonation of delay with a presupposition that no prejudice will be caused by the condonation of delay to the respondent in that application will be fallacious. In our view, each case has to be decided on the facts and circumstances of the case. Length of the delay is a relevant matter to be taken into account while considering whether the delay should be condoned or not. It is not open to any litigant to fix his own period of limitation for instituting proceedings for which law has prescribed periods of limitation.

"17. .....Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long time, it cannot be presumed to be non-deliberate delay, and in such circumstances of the case, he cannot be heard to plead that substantial justice deserved to be preferred as against technical considerations. We are of the view that the question of limitation is not merely a technical consideration. Rules of limitation are based on principles of sound public

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policy and principles of equity. Is a litigant liable to have a Damocles sword hanging over his head indefinitely for a period to be determined at the whims and fancies of the opponent?" (Underlining is ours)

15. On a conspectus reading of the above principles set out in the various judgments, it is well settled that a liberal approach should be extended while considering the application for condonation of delay. Sufficient caution has been exhibited to note that wherever there is lack of bona fides or attempt to hood-wink the Court by the party concerned who has come forward with an application for condonation of delay, in such cases, no indulgence should be shown by condoning the delay applied for. It is also clear to the effect that it is not the number of days of delay that matters, but the attitude of the party which caused the delay. In other words when the Court finds that the party who failed to approach the Court within the time stipulated comes forward with an explanation for condoning the delay, the Court if satisfied that the delay occasioned not due to the deliberate conduct of the party, but due to any other reason, then by sufficiently compensating the prejudice caused to the other side monetarily, the condonation of delay can be favourably ordered."

12. Keeping in mind, the above judgments of the Hon'ble Supreme Court and this Court, it is clear that in the circumstances herein, the application of the

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Appellants for condonation of delay lacks merit, is a mockery of the judicial process and runs contrary to the principles laid down by the Hon'ble Supreme Court and thus, deserves no indulgence from this Court.

13. For three consecutive years, intervening Christmas, New year, Pongal holidays, examinations and paper valuation have been cited as the cause for the delay in filing the intra-court appeal. We find that there cannot be a better case for directing the Government to initiate disciplinary action against the persons concerned.

14. Hence, while dismissing this Civil Miscellaneous Petition with a costs of Rs.5,00,000/- (Rupees Five Lakhs only) payable to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court Campus, Chennai 600 104, within a period of four (4) weeks from the date of receipt of a copy of this order. We also direct the Chief Secretary, Government of Tamil Nadu to initiate appropriate disciplinary proceedings against all persons concerned, who failed to contest the writ petition properly to safeguard the interests of the Government and the exchequer and who preferred the appeal belatedly by assigning untenable reasons solely with an intention to save their own skin rather than filing the appeal in time.

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15. In the result, this Civil Miscellaneous Petition stands dismissed with a costs of Rs.5,00,000/-. The said costs shall be recovered from the salary of the officer, who has sworn the irresponsible affidavit. Consequently, the Writ Appeal stands rejected at the SR stage itself.

(Dr.G.J.,J.) (E.M.,J.)
18-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

rpl/DP

To

1.The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St. George,
Chennai-09.

2.The Tamil Nadu State Legal Services Authority (TNSLSA),
High Court Campus,
Chennai 600 104.

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