



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2016

CORAM :

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THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

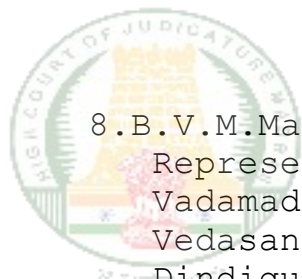
Writ Appeal (MD) No.909 of 2016 & C.M.P(MD)No.5588 of 2016

Easwari

...Appellant/Petitioner

-Vs-.

- 1.The Principal Secretary,
Department of School Education,
State of Tamil Nadu,
Fort.St.George,
Chennai.
- 2.The Director of Matriculation School,
Office of the Director of Matriculation Schools,
College Road, DPI Compound,
Nungambakkam,
Chennai.
- 3.The Special Officer,
Tamil Nadu Private Schools Fee's determination Committee,
College Road, DPI Compound,
Nungambakkam, Chennai.
- 4.The Chairperson,
State Commission for Child Rights Protection,
No.300, Purasawalkam High Road,
Kellys, Chennai-600 010.
- 5.The Inspector of Matriculation School (IMS)
Office of the Inspector of Matriculation Schools,
Dindigul District.
- 6.The District Collector,
Office of the District Collector,
Dindigul District.
- 7.The Chief Educational Officer,
Office of the Chief Educational Officer,



8.B.V.M.Matriculation School,
Represented by its Correspondent,
Vadamadurai Road,
Vedasandur,
Dindigul District-624 710.

... Respondents/Respondents

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Appeal filed under Clause 15 of Letters Patent praying to call for the records connected to the impugned order in W.P(MD) No.6069 of 2016 dated 29.03.2016 on the file of this Court and set aside the same and allow the writ petition.

Prayer in WP(MD). 6069/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, to direct the Respondents NO. 1 to 7 to pay adequate amount of compensation to the petitioner for the death of her husband and her elder son and recover the compensation amount from the Respondent No. 8, consequently to direct the Respondent No. 1 to 7 to provide free education to the petitioners younger son Sakthivel, aged 6 years, now studying I standard in respondent NO.8 school.

For Appellant : Mr.R.Alagumani

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader for R1 to R7

JUDGMENT

(Judgment of the Court was delivered by **NOOTY.RAMAMOHANA RAO, J**)

This appeal is preferred by the writ petitioner, whose writ petition is disposed of, by the learned Single Judge on 29-03-2016.

2. The case of the petitioner is that she had two children, who got admitted to the 8th respondent School, which is a privately managed educational institution. It is the further case of the writ petitioner that the said School Management was charging exorbitant amount as fee from the students. In other words, the School Management is fleecing the parents of the students on one ground or the other, instead of confining the collection of fee strictly to one prescribed in accordance with the provisions contained in the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009. Instead of logically pursuing the remedies available, the husband of the writ petitioner herein has resorted to an extremely violent act of first killing one of the children and then committing suicide himself.

<https://hcservices.ecourts.gov.in/hcservices/>

3. We are not only disturbed, but stunned to learn this unfortunate development. The distressful economic conditions



alone may not have forced the husband of the writ petitioner herein to take recourse to the said action, which can be reasonably attributed to a mental aberration. Since, the writ petitioner has lost one of her two children and the reason for such loss is attributed to the act of demand of payment of exorbitant fee by the School Management- the 8th respondent, the writ petitioner now seeks relief of securing free education for the remaining and surviving child and also compensation for the double tragedy of her's.

4. We are at a loss to appreciate the contention canvassed in this regard.

5. Firstly, the act of the husband of the writ petitioner in killing an innocent child out of frustration cannot be appreciated at all. Even if a child cannot be supported reasonably and legitimately to secure him good education, there are well recognized and civilised methods to secure education to the children. The State Government, as a measure of welfare of the Society at large, has been running and maintaining several institutions for promoting the cause of education, so that, the economic distressful conditions of the family would not be a cause for children from dropping out from the academic life. There are also philanthropic organizations which lend support in the Society. Instead of approaching any such organizations the husband of the writ petitioner has taken recourse to a violent measure. Luckily for him, he did not survive but succumbed lest he would have been prosecuted for killing his innocent child. Under Section 357 of the Criminal Procedure Code, the victims can be compensated by the Courts, but, however such compensation is liable to be awarded for any loss or injury caused by the offence, but not otherwise. In the instant case, the offence unleashed by the husband of the writ petitioner towards an innocent child, if there is one who will have to tender compensation for having caused loss of the child of the writ petitioner, in turn, that would be the husband of the writ petitioner. Since he was no more, he could not be prosecuted. Therefore, the claim of the petitioner for payment of compensation against the State Government, to say is a milder manner, an extravagant one. State is nowhere responsible for the violent action unleashed by the husband of the writ petitioner.

6. If the petitioner still feels that the economic condition in which, currently she is living did not provide her a fair chance or option to get her surviving child educated properly, it is open to her to seek appropriate assistance from the Welfare Officer concerned, so that, the surviving child can get admitted in one Welfare Institution or the other where the State Government would bear the expenditure for better education.



7. We do not find any reason to entertain the writ appeal and accordingly, the same stands dismissed. No costs. Consequently, the connected Miscellaneous petition is also dismissed.

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/True Copy/

Sd/-

Assistant Registrar (AE)

Sub Assistant Registrar

gsr

TO

- 1.The Principal Secretary, Department of School Education,
State of Tamil Nadu, Fort.St.George, Chennai.
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Office of the Chief Educational Officer,
Dindigul.

+1CC to Spl.Government Pleader Sr.No.29083

GJM/DB/27.6.16-4p-9c

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