

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

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THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.36444 of 2006

1.N.Swaminathan
2.M.Manoharan

... Petitioners

Vs

1.State of Tamil Nadu by Secretary to the
Public Department, Secretariat,
Fort st. George,
Chennai-9.

2.The Revenue Divisional Officer (RDO),
Office of the RDO,
Tiruppur.

3.The Director of School
Education Office,
DPI complex,
College Road,
Chennai-6.

4.The Deputy Superintendent of Police,
Office of the Commissioner of Police,
Coimbatore District.

5.The Correspondent,
Rayar Kalvi Nilayam,
Avinashi,
Coimbatore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the third respondent to suspend the management of the fifth respondent School and consequently appoint Special Officer under Section 18A Tamil Nadu Recognised Private Schools (Regulation) Act 1973 and to pay a compensation of Rs.5 lakhs each to the petitioners.

For Petitioners : Ms.D.Geetha
For Respondents : Mr.S.Gunasekaran,
Addl. Government Pleader for RR 1,2 & 4
: Mr.A.Gopiraja for R3
: Mr.S.Thankasivan for R5

O R D E R

Heard Ms.D.Geetha, learned counsel for the petitioners and Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the first, second and fourth respondents, Mr.A.Gopiraja, learned counsel appearing for the third respondent and Mr.S.Thankasivan, learned counsel appearing for the fifth respondent.

2. The petitioners have approached this Court, seeking the following relief,

"To issue a writ of Mandamus, to direct the third respondent to suspend the management of the fifth respondent School and consequently appoint Special Officer under Section 18A Tamil Nadu Recognised Private Schools (Regulation) Act 1973 and to pay a compensation of Rs.5 lakhs each to the petitioners."

3. The case of the petitioners is as follows:-

The writ petition has been filed inter alia seeking compensation of Rs.5,00,000/- each to the families of the two victims from the fifth respondent-School. The first petitioner's son was studying in the fifth respondent-School and was staying in the hostel. He was 13 years old. On 07.02.2006, the School authorities informed the first petitioner about the fact that his son had attempted to commit suicide by hanging himself in the hostel room. However, inspite of efforts taken to get treatment, the son of the first petitioner died.

4. On 24.02.2006, the School authority called the second petitioner and informed him that his son was also a student of the School, fell into water tank and died.

5. In respect of both the accidents, which according to the petitioners, were caused by negligence on the part of the School authority, had invoked great public outcry and resentment. An investigation was also conducted by the police authorities.

6. According to the petitioners, the School authority have not taken proper care and due diligence in protecting the lives of the children, studying in the School. Because of the negligence, unfortunately, both the petitioners' wards had died. Therefore, they are before this Court inter alia seeking compensation as prayed for in the writ petition.

7. During the course of arguments, although the fifth respondent initially resisted the claim of the petitioners stating that the school was not responsible for the death of the children. However, subsequently, filed an affidavit of undertaking dated 22.12.2017. As per the affidavit of undertaking, the fifth respondent was ready and willing to pay a

compensation of Rs.5,00,000/- to each of the petitioners herein and the payment would be paid by 30.06.2018.

8. The learned counsel appearing for the fifth respondent would submit that the compensation as claimed by the petitioners i.e., Rs.5,00,000/- each, would be paid to them by 30.06.2018, as full and final settlement of their claim. Therefore, he would request this Court to close the writ petition.

9. The learned counsel for the petitioners though insisted on allowing the writ petition in full i.e., for suspending the Management of the fifth respondent-School, however, this Court is of the considered view that such a course of action is not required in the face of the fact that the Management itself has come forward to pay the compensation amount as claimed by the petitioners.

10. In the light of the above, the writ petition is disposed of by recording the affidavit of undertaking of the fifth respondent dated 22.12.2017. The Correspondent of the fifth respondent School is also present in the Court today. The fifth respondent is therefore, directed to comply with the undertaking and make the payment of Rs.5,00,000/- each of the writ petitioners on or before 30.06.2018.

11. with the above direction, the writ petition is disposed of. No costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

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To

1.The Secretary,
Public Department,
State of Tamil Nadu,
Secretariat,
Fort st. George,
Chennai-9.

2.The Revenue Divisional Officer (RDO),
Office of the RDO,
Tiruppur.

3.The Director of School
Education Office,
DPI complex,
College Road,
Chennai-6.

4.The Deputy Superintendent of Police,
Office of the Commissioner of Police,
Coimbatore District.

+ 1 cc to Ms.D.Geetha Advocate,SR.265

+ 1 cc to Mr.S.Thankasivan Advocate,SR.38

+ 1 cc to The Govt.Pleader, SR.92530

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