



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A (MD) No.1030 of 2017

and

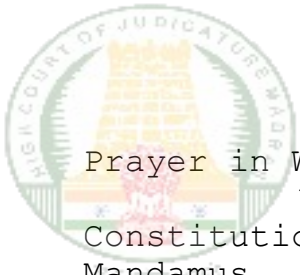
C.M.P (MD) No.7152 of 2017

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat,
Chennai.
- 2.The Director of School Education,
D.P.I Campus,
College Road, Nugambakkam,
Chennai.
- 3.The District Collector,
Dindigul District,
Dindigul.
- 4.The Chief Educational Officer,
Dindigul District,
Dindigul.
- 5.The District Educational Officer,
Dindigul District,
Dindigul. ... Appellants/Respondents 1 to 5

Vs.

- 1.V.Thirumalai ... 1st Respondent/Writ Petitioner
- 2.The Head Master,
Government High School,
Samuthirapatty Village and Post,
Natham Taluk,
Dindigul District.
- 3.Sundar ... Respondents 2 & 3/Respondents 6 & 7

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent
against the order, dated 04.10.2016 made in W.P(MD) No.3849 of 2011,
on the file of this Court.



Prayer in WP(MD)No. 3849/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to pay compensation to the petitioner for the death of his son named Gopalakrishnan who died by committing suicide due to tortious acts committed by the 7th respondent herein in the course of his employment as a state officer working under the control of the other respondents.

For Appellants : Mrs.Srimathy,
Special Government Pleader.

For R - 1 : Mr.S.Sethuraman

For R - 2 : No appearance

For R - 3 : Mr.N.Ananthapadmanaban

JUDGMENT

(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)

This writ appeal is preferred by the Government challenging the order, dated 04.10.2016 passed in W.P(MD)No.3849 of 2011, wherein the first respondent/writ petitioner sought for a Mandamus directing the respondents therein to pay compensation to the writ petitioner for the death of his son, namely Gopalakrishnan, who died by committing suicide due to tortuous act committed by the seventh respondent therein.

2. The brief facts giving rise to the filing of this Writ Appeal are as follows:-

(i) The first respondent/writ petitioner is the father of one Gopalakrishnan, who was the student studying 10th standard in the second respondent/sixth respondent School. It is alleged that since the science teacher of the School scolded him, he committed suicide on 04.07.2008. Therefore, alleging that the School is liable to pay compensation, the first respondent/writ petitioner had claimed a sum of Rs.25,00,000/- as compensation and sent a notice through his Advocate. As there was no response, the Writ Petition was filed with the above said prayer.

(ii) The learned Single Judge, vide order dated 04.10.2016, allowed the Writ Petition directing the respondents 1 to 5 therein to pay the said amount.

(iii) Aggrieved over the same, the appellants/respondents 1 to 5 had preferred the present Writ Appeal.



3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. It is seen that earlier, the first respondent/writ petitioner had filed a suit for getting the relief of compensation by filing a petition as *informa pauperis* in P.O.P.No.14 of 2009 on the file of the Additional District Court/Fast Track Court, Dindigul, however, the same was dismissed. It is further seen that against the dismissal order passed in P.O.P.No.14 of 2009, the first respondent/writ petitioner had filed C.M.A(MD)No.830 of 2011 on the file of this Court, which was also dismissed.

5. In view of the above, we are of the considered view that without prosecuting the suit, the first respondent/writ petitioner had come up with the Writ Petition claiming compensation. It is also relevant to note that the teacher, who was allegedly an accused, had filed Crl.M.P.No.219 of 2010 in S.C.No.112 of 2010 on the file of the Additional Assistant Sessions Court, Dindigul, to discharge him from all the charges, which was dismissed. Against the same, Crl.R.C (MD)No.813 of 2010 was filed, which was partly allowed.

6. No doubt, it is the case which has to be viewed sympathetically, as the student, who is studying 10th standard, had committed suicide and the allegation is that the School teacher had scolded him. However, it is to be seen that the compensation is not a bonus and the same cannot be granted for the sake of asking. The first respondent/writ petitioner had already filed a civil suit on the same cause of action, he cannot maintain the Writ Petition for claiming compensation under Article 226 of the Constitution of India.

7. Committing suicide is a silence epidemic insofar as student community is concerned. According to statistics, there are several thousands of students commit suicide in a year. The reasons according to psychologist are that in general students suffer from anxiety and depression due to parental, academic and peer pressure. Students in the teens are very vulnerable and have the symptoms of depression and anxiety. This may be for reasons like coping up with academics, pressure from parents and lack of support from them and also unrealistic expectations. Even the environmental challenge lead to mental concerns like racial, social or religious discrimination low self-esteem, family and financial problems etc.

8. In the present case, may be the poor academic performance and lack of motivation has driven the boy to end his life. The solution lies in students, teachers and parents. All of them have an active role to play in the mental well-being of the students. The teachers are also to be trained with skills to identify the symptoms and patterns of mental issues as such training would help the teachers to analyse the reasons behind the disruptive behaviour of the students.



9. As the school has also been made as a party, it is relevant to state that they should also have physiological counselling programs to help students, deal with their problems with confidence. Pressure from the parents or even being bullied by other children can act as a trigger. It lies in the hands of the society to ensure physical, emotional and mental well-being of the children and connect education and mental well-being.

10. The learned Single Judge had allowed the Writ Petition only on the sympathetic ground, though the petition is not maintainable. If the Government has to pay compensation to the families of those who committed suicide, then it will be never ending process, as the number of students killings themselves is on the increase. Though there is a social responsibility for the Government still the act of committing suicide is an offence as per the Indian Penal Code. If there was strong allegation which can be proved and the authorities are liable to pay compensation, it is for the first respondent/writ petitioner to work out his remedy before the civil Court, but having failed in his attempt to sue as an indigent person, he cannot be permitted to file a Writ Petition claiming compensation on the same cause of action, which has been allowed. Hence, the order of the learned Single Judge is liable to be aside. However, considering the plight of the petitioner, who had to fight an unsuccessful battle, this Court is of the view that atleast a sum of Rs.1,00,000/- may be given by the State to the mourning family.

11. Accordingly, the order passed by the learned Single Judge in W.P(MD)No.3849 of 2011, dated 04.10.2016, is modified to the extent indicated above and the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

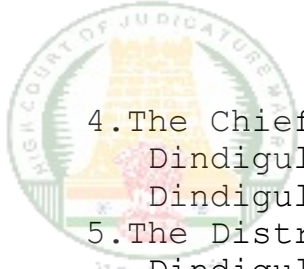
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-II)

To

- 1.The Secretary to Government,
Rep. by the State of Tamil Nadu,
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Dindigul.



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Dindigul District,
Dindigul.

5.The District Educational Officer,
Dindigul District,
Dindigul.

+1cc to Mr.S.Sethuraman, Advocate, SR.No.88758

+1cc to Mr.K.ANANTHAPADMANABHAN, Advocate, SR.No. 89004

+1cc to M/s.Special Government Pleader,SR.No. 88870

W.A(MD)No.1030 of 2017

PS

KK/RP/SAR-2/04.12.2018/4P-9C