



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.07.2018

CORAM:

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND**

**THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI
W.A(MD)NOS.1217 of 2013 and 373 of 2014
and
M.P(MD)No.1 of 2013**

W.A(MD)NO.1217 of 2013

Robert Kennedy

:Appellant/Petitioner

.vs.

1. The Director of Elementary Education,
Chennai.
2. The District Elementary Educational Officer,
Thanjavur District,
Thanjavur.
3. The Assistant Elementary Educational officer,
Thanjavur.
4. The District Collector,
Thanjavur District,
Thanjavur.
5. The Superintendent of Police,
Thanjavur District,
Thanjavur.
6. The Principal and Correspondent,
Angels on the Earth Nursery and Primary School,
Thirukannoorpatti,
Thanjavur District.

: Respondents/Respondents

W.A(MD)NO.373 of 2014

The Principal and Correspondent,
Angels on the Earth Nursery and Primary School,
Thirukannoorpatti,
Thanjavur District.

:Appellant/6th Respondent

/vs/

1.Robert Kennedy

:Ist Respondent/Writ Petitioner

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

2.The Director of Elementary Education,
Chennai.



3. The District Elementary Educational Officer,
Thanjavur District,
Thanjavur.

4. The Assistant Elementary Educational officer,
Thanjavur.

5. The District Collector,
Thanjavur District,
Thanjavur.

6. The Superintendent of Police,
Thanjavur District,
Thanjavur.

: Respondents 2 to 6/
Respondents 1 to 5

COMMON PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.14259 of 2011, dated 30.03.2012.

Prayer in WP(MD)No. 14259 of 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 to provide monetary assistance, for medical expenses and mental agony and also to provide the other privileges in the future (like scholarship and job opportunity) to the petitioner's son namely Rojar Fedarar whose right eye was damaged with lack of vision and take action against the 6th Respondent School, as per law, within a time frame, fixed by this Honourable Court.

W.A(MD)NO.1217 of 2013

For Appellant	: M/S.F.X.Eugene
For Respondents 1 to 5	: Mrs.S.Srimathy Special Govt.Pleader
For Respondent-6	: Mr.T.Cibi Chakraborty

W.A(MD)NO.373 of 2014

For Appellant	: Mr.T.Cibi Chakraborty
For Respondent-1	: Mr.F.X.Eugene
For Respondents 2 to 6	: Mrs.S.Srimathy Special Govt.Pleader

**COMMON JUDGMENT**

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

Both these appeals are filed challenging the order made in W.P(MD)No.14259 of 2011, dated 30.3.2012. While W.A(MD)No.1217 of 2013 is filed by the Writ Petitioner, W.A.(MD)No.373 of 2014 is filed by the sixth respondent/School, in the Writ Petition.

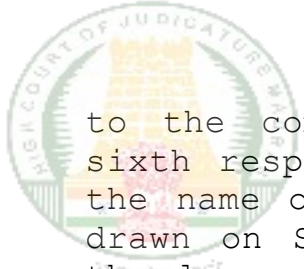
2.The Writ Petitioner is the father of one Rojar Fedarar, a student in the sixth respondent/School. It is seen that in pursuant to a fight between two students, out of whom, one is the Writ Petitioner's son, the right eye of the Writ Petitioner's son got injured, which had resulted in loss of vision to 30%. Therefore, by claiming that the sixth respondent/School is negligent in allowing such accident to take place, the Writ Petitioner sought for a mandamus directing the respondents to provide monetary assistance for medical expenses and mental agony and also to provide other privileges in future like scholarship and job opportunity to his son.

3.The Writ Court after considering the facts and circumstances of the case and upon hearing both sides, awarded a sum of Rs.3,21,000/-(Rupees three lakhs and twenty one thousand only) to the Writ Petitioner with interest at 9%p.a. from 13.12.2011. Accordingly, the Writ Petition was allowed, as indicated above.

4.Challenging the said order of the Writ Court, the present Writ Appeals are filed, both by the Writ Petitioner and the sixth respondent, as stated supra.

5.During the pendency of these Writ Appeals and when the matters were taken up on the last occasion, it was informed that the parties are negotiating for a settlement. Accordingly, the matters were adjourned for hearing today. The Writ Petitioner filed an affidavit dated 16.7.2018, stating that he made compromise with the sixth respondent/School and thus has chosen to withdraw wholeheartedly all the allegations levelled against the sixth respondent/School in the affidavits filed in the Writ Petition as well as in the Writ Appeal filed by him. He further stated that he also consented to receive a sum of Rs.5 lakhs unconditionally, also with a further undertaking that he would not take or involve in any action in future against the sixth respondent/School in this matter. Therefore the Writ Petitioner/Appellant in W.A(MD)No.1217 of 2013 seeks for recording the said affidavit and pass orders, as this Court deem fit and proper.

<https://hcservices.ecms.gov.in/hcservices/> 6. The learned counsel for the sixth respondent/School, who is the appellant in W.A(MD)No.373 of 2014, submitted that in pursuant



to the compromise entered between the Writ Petitioner and the sixth respondent/School, a Demand Draft for Rs.5 lakhs taken in the name of the Writ Petitioner in NO.450234, dated 12.07.2018, drawn on South Indian Bank, Thanjavur Branch, is handed over to the learned counsel for the Writ Petitioner/Appellant in W.A(MD) No.1217 of 2013 today. The learned counsel for the Writ Petitioner/Appellant in W.A(MD)No.1217 of 2013 acknowledged the receipt of the said Demand Draft on behalf of the Writ Petitioner/Appellant in W.A(MD)No.1217 of 2013.

7.The learned counsel for the appellant in W.A(MD)No.1217 of 2013 made a request for considering the case of the appellant's son for issuing a Disability Certificate, so as to enable him to pursue his further studies and future employment opportunities with the benefit of such Certificate. Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 to 5 in W.A(MD)No.1217 of 2013 fairly submitted that if any such request is made to the appropriate authority, the same will be considered and appropriate orders will be passed on such request of the Writ Petitioner/Appellant in W.A(MD)No.1217 of 2013.

8.Accordingly, these Writ Appeals are disposed of in the following terms:

(a)In view of the compromise entered between the Writ Petitioner and the sixth respondent/School as stated supra, no further claim shall be made by the Writ Petitioner against the sixth respondent/School, in any manner.

(b)All the allegations levelled against the sixth respondent/School in the affidavits filed in the Writ Petition as well as in W.A(MD)No.1217 of 2013 filed by the Writ Petitioner/appellant stand deleted as withdrawn.

(c)The Writ Petitioner/Appellant in W.A(MD)No.1217 of 2013 is granted liberty to file an application on behalf of his son before the appropriate authority seeking for Disability Certificate within a period of two weeks from the date of receipt of a copy of this order.

(d)on receipt of such application, the District Collector, Thanjavur District shall refer the son of the Writ Petitioner to the concerned Medical Board of the Government Medical College and get a report about such disability.

(e)On receipt of such report, the concerned authority shall pass appropriate orders based on such report, within a period of four weeks from the date of receipt of a copy of the report.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

Sub Assistant Registrar(CS-IV)



To

1. The Director of Elementary Education,
Chennai.

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2. The District Elementary Educational Officer,
Thanjavur District,
Thanjavur.

3. The Assistant Elementary Educational officer,
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4. The District Collector,
Thanjavur District,
Thanjavur.

5. The Superintendent of Police,
Thanjavur District,
Thanjavur.

+1cc to M/s.Isaac Chambers, Sr.No.73928

+1cc to Mr.F.X.Eugene, Advocate Sr.No.73531

+1cc to Spl.Government Pleader Sr.No.74006

VSN

VB/KAK/SAR4/10.08.2018/5P/9C

**COMMON JUDGMENT MADE IN
W.A(MD) NOs.1217 of 2013 and 373 of 2014 and
M.P(MD) No.1 of 2013
18.07.2018**