



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.07.2019
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Rev.Apl.W(MD)No.47 of 2019
and
W.M.P.(MD)No.9601 of 2019
in
W.P.(MD)No.5807 of 2015

- 1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The District Collector,
Dindigul District,
Dindigul-624 004.
- 4.The Chief Education Officer,
Palani Road, Dindigul,
Dindigul 624 001.
- 5.The Joint Director,
Kallar Reclamation,
Old Ramnad Collector Office Building,
Madurai-625020.
- 6.The Head Master,
Government Kallar Higher Secondary School,
Vilampatti, Nilakottai Taluk,
Dindigul District-624 219. ... Review applicant/Respondents

Vs

Asaiyan ... Respondent/Respondent

Prayer: Review Application is filed under Section 114 r/w. Order 47 Rule 1 of the Civil Procedure Code to review the order dated 14.03.2019 passed in W.P.(MD)No.5807 of 2015, on the file of this Court.

Prayer in WP(MD). 5807/ 2015 :

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 pay a sum of Rs.20,00,000/- (Twenty Lakhs only) by way of compensation for the death of the



petitioner son namely Vinoth who died in the 6th respondents School Campus due to the negligent act of the school administration within a stipulated time.

For Petitioners : Mrs.S.Srimathy
Special Government Pleader
For Respondent : Mr.R.Karunanithi

O R D E R

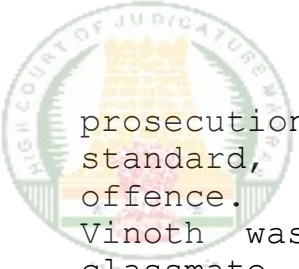
The respondent herein filed W.P.(MD)No.5807 of 2015 seeking compensation for the death of his son namely., Vionth, who died in Government Kallar Higher Secondary School, Vilampatti, on 12.11.2014.

2.After hearing the learned counsel on either side and after perusing the materials on record, this Court came to the conclusion that the petitioner is entitled to be paid compensation to the tune of Rs.5,00,000/-. Contending that the earlier order dated 14.03.2019 allowing W.P.(MD)No.5807 of 2015 is liable to reviewed in view of the discovery of new material, which was not within their knowledge earlier, this Review Application has been filed.

3.The learned Special Government Pleader appearing for the review applicants submitted that the entire case of the writ petitioner was that the respondent's son namely., Vinoth died on account of the physical attack by one Sundrapandi, who was his classmate. But Sundrapandi was acquitted by the learned Juvenile Justice Board vide order dated 14.06.2018 in J.C.No.54 of 2016. The Board had opined that Vinoth had died on account of consumption of poison. The review applicants want this Court to review the earlier order dated 14.03.2019 passed by this Court, in the light of this material. Of course the order of the learned Juvenile Justice Board was passed as early as 14.06.2018. This could very well have been produce before this Court when the writ petition was allowed. Be that as it may, this Court called upon the review applicants to produce the final opinion given by the postmortem Doctor about the death of Vinoth. Postmortem certificate dated 30.11.2014 clearly states that the death of Vinoth was caused due to intracranial injury.

4.The learned counsel appearing for the respondent/writ petitioner would claim that the school authorities in order to save their skin had introduced the poison theory. In any event, the Doctor clearly opined that intracranial injury was found on the body of Vinoth. Thus the death of Vinoth has been due to physical injury.

5.Merely because the proceedings of the Juvenile Justice Board against Sundarapandi ended in acquittal, that cannot be a ground to review the order passed by this Court allowing the writ petition. This is because the standard of proof in criminal



prosecution is one beyond reasonable doubt. By applying the high standard, the child in conflict with law was acquitted of the offence. Before me materials have been placed indicating that Vinoth was a victim on physical attack at the hands of his classmate. The Doctor's certificate states that the death could be due to that reason. In these circumstances, I find no ground to review the order passed by this Court earlier allowing the writ petition. The review application stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To:

- 1.The Secretary,
School Education Department,
Secretariat,
Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 006.
- 3.The District Collector,
Dindigul District,
Dindigul-624 004.
- 4.The Chief Education Officer,
Palani Road, Dindigul,
Dindigul 624 001.
- 5.The Joint Director,
Kallar Reclamation,
Old Ramnad Collector Office Building,
Madurai-625020.
- 6.The Head Master,
Government Kallar Higher Secondary School,
Vilampatti, Nilakottai Taluk,
Dindigul District-624 219

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-74693[F] dated 11/07/2019)

Rev.Apl.W(MD)No.47 of 2019
11.07.2019