



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.5807 of 2015

WEB COPY

Asaiyan

... Petitioner

Vs

- 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.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay a sum of Rs.20,00,000/- (Twenty Lakhs only) by way of compensation for the death of the petitioner's 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 Petitioner

: Mr.R.Karunanidhi

For Respondents

: Mr.S.Srimathy
Special Government Pleader

**ORDER**

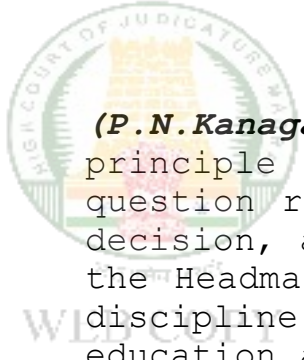
Heard the learned counsel on either side.

2. The writ petitioner belongs to Vannaar community, which comes under the category of Most Backward Class. His elder son namely Vinoth was studying in XI standard in Computer Science group at Kallar Government Higher Secondary School, Vilampatti Village, Nilakottai Taluk, Dindigul District. His second son was also studying in the same School. While so, on 12.11.2014 at about 11.00 am., the writ petitioner received a call from the School and he was informed that his elder son Vinoth was in an unconscious condition. The writ petitioner rushed to the School and found that his son was dead by then. It later transpired that the petitioner's elder son was brutally attacked by his classmate by name Sundarapandi and as a result of the said assault on the head of the writ petitioner's son, he died. In this regard, First Information Report was registered in Crime No.45 of 2014 on the file of Vilampatti police station. The petitioner has filed this writ petition demanding payment of compensation.

3. The respondents have filed a detailed counter affidavit. The learned Special Government Pleader reiterated the contentions set out therein.

4. The stand of the respondents is two fold. The first contention is that this writ petition itself would not lie and that the petitioner will have to workout his remedies before the civil Court. In this regard, the learned Special Government Pleader placed reliance on the decision of the Hon'ble Division Bench of this Court in W.A(MD).No.1030 of 2017 dated 04.10.2018. She would further contend that the School cannot blame for the unfortunate happening that is said to have taken place during the intermission session.

5. I carefully considered the rival contentions. It is not in dispute that the petitioner's son Vinoth was a student, who was studying XI standard in the sixth respondent School. It is also not disputed that the death of Vinoth took place in the School Campus on a working day. When the facts are not in disputed, I do not think the claimant should be relegated to move the Civil Court. Only, when there is a factual controversy, the parties will have to go before the civil Court. In this case, what is to be determined is the question of liability of the respondents. The learned Special Government Pleader would contend that the School cannot be blamed for the outcome of a private scuffle between the two students.



(P.N.Kanagaraj Vs Chief Secretary, State of Tamil Nadu). The principle laid down therein furnishes a direct answer to the question raised by the respondents. In paragraph 13 of the said decision, a learned judge of this Court held that the Principal or the Headmaster of an Education Institution is responsible for the discipline in the institution, apart from maintaining quality of education as well as the functional efficiency. Therefore, it is a question of absolute liability. It is not a question of whether the School Headmaster was negligent or not. This Court has categorically held that he is responsible for the discipline in the institution. If there is any indiscipline in the institution and if anything amiss occurs, it is the School that is directly responsible. The petitioner's son is a victim of indiscipline of one of the students. Therefore, it is the School that has to pay for the unfortunate event. Since it is a Government School, the Government of Tamil Nadu will have to assume responsibility to pay compensation to the writ petitioner.

7. The writ petitioner states that he is a daily wager. His entire future rested on the prospects of his elder son. The petitioner's dreams have been brutally shattered. Therefore, I am of the view that the first respondent should pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the writ petitioner. The first respondent shall take two demand drafts one for a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) in favour of the writ petitioner and the other in favour of his wife for the balance amount. It is directed that a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) shall remain in the name of the writ petitioner's wife for a period of three years. The petitioner's wife shall be entitled to withdraw the accrued interest once in three months. The said amount will be disbursed within a period of eight weeks from the date of receipt of a copy of this order. If the first respondent does not pay the compensation within a period of eight weeks, it will carry interest at the rate of 7.5% from the date of filing of this writ petition.

8. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary,
Government of Tamil Nadu,
School Education Department,
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Chennai-600 009.



2.The Director of School Education,
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3.The District Collector,
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+2 CC to M/s.R.KARUNANIDHI, Advocate (SR-54131[F] dated
14/03/2019)

+1 CC to M/s.S.SRIMATHY, Advocate (SR-54539[F] dated
18/03/2019)

RMK

W.P. (MD) No.5807 of 2015
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