



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.07.2019
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.7445 of 2015

WEB COPY

Selvakumaran

... Petitioner

Vs.

1.The Director,
Department of Elementary School Education,
College Road, Chennai - 6.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The District Elementary Education Officer,
Sivagangai, Sivagangai District.

4.The Assistant District Elementary Education Officer,
Sivagangai, Sivagangai District.

5.The Headmistress,
S.Mampatti Panchayat Union School,
Singampunari Union,
Eriyur Post, Thiruppathur Taluk,
Sivagangai District.

6.Selvasundari

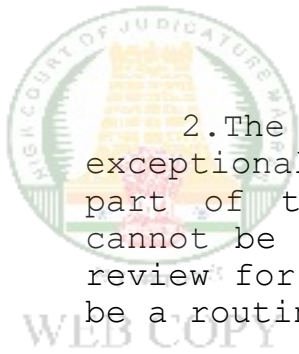
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay a compensation for a sum of Rs.2 Lakhs (two lakhs) for medical expenses and others and to take appropriate departmental action against respondents 3 to 6 vide the petitioner's representation dated 03.11.2014.

For Petitioner	: Mr.D.Saravanan
For Respondents 1 to 5	: Mrs.S.Srimathy Special Government Pleader
For Respondent No.6	: No appearance

ORDER

The relief sought for in the present writ petitioner is to direct the respondents to pay a compensation of Rs.2 Lakhs for medical expenses and initiate appropriate departmental action against respondents 3 to 6.



2.The Writ for compensation can be entertained only on exceptional circumstances where there is a gross negligence on the part of the Governmental authority. The Writ for compensation cannot be entertained in a routine manner as the power of judicial review for granting compensation is only an exception and can never be a routine one, under Article 226 of the Constitution of India.

3.Learned Counsel for the writ petitioner states that his son studying in fourth standard in fifth respondent school got injury while falling down from the school window at the time of trying to lock the same. In other words, the son of the writ petitioner made an attempt to lock the window and at that point of time, he fell down and got injury.

4.It is pertinent to note that such incidents or accidents which occurs beyond the control of the school administration. The young boys play in classrooms as well as in campus. It is a joy for the students to play inside the classrooms and in the school campus. Such acts are not to be encouraged. However, incidents like this, the Teachers as well as the school administration cannot be blamed at all. It may not be possible for the Teachers as well as the Headmistress to look after all the student who all are playing or doing some activities. Only if there is a gross negligence or violation of Rules, then alone, the Writ Petition can be entertained.

5.In the present case on hand, the son of the petitioner made an attempt to lock the window and while doing so, he fell down and got injury. Such an accident can never be a ground for claiming compensation. Sometimes such incidents are happening at the instance of the students and not because of the Teachers or Headmistress. Under these circumstances, this Court is of the considered opinion that writ of compensation cannot be granted in such cases of accidents and accordingly, the Writ Petition is devoid of merits.

6.Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/ True Copy /

Sub Assistant Registrar(CS-)

To

1.The Director,
Department of Elementary School Education,
College Road, Chennai - 6.



2.The District Collector,
Sivagangai District,
Sivagangai.

3.The District Elementary Education Officer,
Sivagangai,
Sivagangai District.

4.The Assistant District Elementary Education Officer,
Sivagangai,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-72743[F] dated 02/07/2019)

ORDER MADE IN
W.P[MD]No.7445 of 2015
01.07.2019

MR
ES/16.07.2019/3P/6C