



WEB COPY

W.A.(MD)No.1144 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1144 of 2019
and
C.M.P (MD) .No.10113 of 2019

- 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-625 020.
- 6.The Head Master,
Government Kallar Higher Secondary School,
Vilampatti, Nilakottai Taluk,
Dindigul District-624 219.

... Appellants/Review Appellants/Respondents

Vs.

Asaiyan

... Respondent/Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent as against the order dated 11.07.2019 passed by this Court in Rev.Aplc(MD) .No.47 of 2019 in W.P(MD) .No.5807 of 2015.

Prayer in REV.APLW(MD) . 47/ 2019 :

To review the order dated 14.03.2019 passed in W.P.(MD) .
No.5807 of 2015 on the file of the Honble Court.

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



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 and pass such further or other order.

For Appellants : Mrs.S.Srimathy
Special Government Pleader

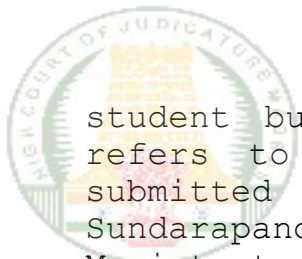
JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the appellants.

2.This appeal by the Government is directed against the order in W.P(MD).No.5807 of 2015 dated 14.03.2019. The said writ petition was filed by the respondent herein praying for issuance of Writ of Mandamus to direct the appellants to pay compensation for the death of his son, namely, Vinoth who died in the sixth appellant's school.

3.According to the respondent/writ petitioner, the death occurred due to the negligent act of the school administration. Before the writ Court, the contention raised by the appellants was that the death was not due to the attack made on the writ petitioner's son by his class-mate Sundarapandi, but on account of the petitioner's son Vinoth consumed poison. Learned Writ Court considered the entire matter and found that there was negligence on the part of the Institution in not maintaining discipline and therefore, directed payment of compensation of Rs.5,00,000/- (Rupees Five Lakhs only) to the respondent/writ petitioner and the same has to be paid by way of two demand drafts one for Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) in favour of the respondent/writ petitioner and other in favour of the writ petitioner's wife for balance amount. Further, the Writ Court directed that a sum of Rs.2,50,000/- shall remain in favour of the writ petitioner's wife for a period of three years. The writ petitioner's wife shall be entitled to withdraw the accrued interest once in three months. The writ Court has also fixed a time limit within which the amount should be disbursed, failing which, the amount should be disbursed along with interest at 7.5% per annum from the date of filing of that writ petition. The appellant had filed review application before the learned Writ Court contending that the cause of death is not on account of any attack by fellow



student but on account of consuming poison and in this regard, refers to a final opinion given by doctors. Further, it is submitted that the class-mate of the deceased Vinoth one Sundarapandi was charge sheeted and the learned Chief Judicial Magistrate, Dindigul in J.C.No.54 of 2016 had acquitted the said Sundarapandi on giving benefit of doubt by Judgment dated 14.06.2018 and therefore, the appellants contended that the cause of death is not on account of assault by the said Sundarapandi. Further, referring to final opinion given by the doctor, it was submitted that presence of poison has been mentioned as one of the causes of death and therefore, the appellants are not liable for compensation. Learned Writ Court considered the contention advanced in the review application and dismissed the same by order dated 11.07.2019. Now, the appellants are before this Court challenging the order passed in the writ petition.

4.After elaborately hearing the learned Special Government Pleader, we find that the accused is not guilty by giving the benefit of doubt in his favour. On perusal of the judgment of the learned Chief Judicial Magistrate, we find that the nature of injuries sustained by the deceased could not be on account of assault. In fact, the final report given by Doctor did not state that consumption of poison is the sole cause of death, but he stated that the death could be due to shock and intra cranial hemorrhage due to intra cranial injury with methyl parathion poison. Therefore, there is sufficient material to show that the death did not solely occur due to poison having been consumed by the deceased Vinoth. In the light of the same, we are of the considered view that there is no error in the order passed by the writ Court.

5.For the above reasons, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Rmk

To

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,
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+1 CC to SPL GP (SR-96363[F] dated 06/11/2019)

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