

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.21801 of 2013
and M.P.Nos.1 & 2 of 2013

P.Murugan

... Petitioner

Vs.

1.The State of Tamil Nadu
rep by its Secretary to Government,
Department of Education,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Cuddalore District,
Cuddalore - 607 001.

3.The District Revenue Officer,
Cuddalore District,
Cuddalore - 607 001.

4.The Superintendent of Police,
Cuddalore District.

5.The Principal,
St.Joseph's Higher Secondary School,
Cuddalore.

.... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents to pay adequate compensation of Rs.5,00,000/- (Rupees five lakhs only) to the petitioner for the death of his son Bharathan in the 5th respondent school and to take action against the 5th respondent school authorities.

For Petitioner : Ms.V.Porkodi

For Respondents: Mr.A.Rajaperumal

Additional Government Pleader (R1)

Ms.A.Madhumathi,

Special Government Pleader (R2 to R4)

Ms.A.Arul Mary (R5)

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to pay a compensation of Rs.5,00,000/- to the petitioner for the death of his son Bharathan in the 5th respondent School and to take action against the 5th respondent School Authorities.

2.It is not in dispute that the petitioner's son by name Bharathan, who was studying 8th Standard in the 5th respondent - School, had died on 29.08.2012. According to the petitioner, the petitioner's son was in good health condition and he was not suffering from any ailment and that he had died mysteriously inside the 5th respondent - School campus and therefore, the 5th respondent is liable to pay compensation.

3.The 4th respondent - the Superintendent of Police filed a counter wherein he has stated that the boy was suffering from heart ailment and he had died inside the School Campus only because of the ailment and it cannot be termed as an unnatural death. The post mortem report also reveal that there was no other evidence to show that the death of Bharathan was caused by some other means except heart ailment. Further, in the report, it has been stated that the boy was reported dead due to heart valve complications resulting in the enlargement of heart and due to failure cause in normal functioning of thyroid gland after suffering of a sudden heart attack. Further, the 4th respondent has stated that a RCS notice was also served on the defacto complainant in FR/RCS No.87/2013 and a negative final report has been filed before the Lower Court on 11.10.2013.

4.The 5th respondent - School has also filed a counter wherein they have stated that they have taken all precautionary measures for treating the boy and they were not negligent in giving treatment to the boy.

5.From the materials available on record, it is clear that the boy had died only because of a sudden heart attack and it cannot be termed as an unnatural death. That apart, the petitioner has not substantiated his case by producing necessary documents to establish that the death of his son was unnatural and that the 5th respondent - School was negligent in treating the boy. In the absence of any evidence produced before this Court, the claim made by the petitioner cannot be granted. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

1.The Secretary to Government,
State of Tamil Nadu
Department of Education,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Cuddalore District,
Cuddalore - 607 001.

3.The District Revenue Officer,
Cuddalore District,
Cuddalore - 607 001.

4.The Superintendent of Police,
Cuddalore District.

5.The Principal,
St.Joseph's Higher Secondary School,
Cuddalore.

+1 cc to M/s.V.Porkodi, Advocate Sr.No. 32459

+1 cc to M/s.A.Arulmary, Advocate Sr.No. 324668

+1 cc to The Government Pleader, Sr.No. 32667

W.P.No.21801 of 2013
and M.P.Nos.1 & 2 of 2013

SVI (CO)
RMP (13/10/2020)

सत्यमेव जयते
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