



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.11.2021
CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

WEB COPY

W.P.No.4029 of 2020

K. Sellamuthu

.... Petitioner

Vs

1. The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai-06.
2. The District Collector Cum
Chair Person of District Child
Protection Unit,
District Collectorate Office,
Salem-636 001.
3. The Chief Educational Officer,
Salem District.
4. The District Child Protection Officer,
District Child Protection Unit
Salem District.
5. The Principal
Shalom Convent School
Pudhu Road,
Siddhar Koil (Via)
Perumapatty (PO)
Salem-636 307

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ or Order or direction in nature of a Writ of Mandamus directing the 2nd Respondent to take necessary action against the 5th respondent school and their staffs for cruelty based on the complaint dated 14.10.2019 made by the petitioner in accordance with the law.

For Petitioner

:Mr. L. Muthusamy

For Respondents 1 to 3

:Mr. M.R. Gokul Krishnan
Government Advocate



For 5th Respondent :Mr. Father Xavier Arulraj,
Senior Counsel

ORDER

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The petitioner has filed this petition under Article 226 of the Constitution of India to issue a Writ or Order or direction in nature of a Writ of Mandamus directing the 2nd Respondent to take necessary action against the 5th respondent school and their staffs for cruelty based on the complaint dated 14.10.2019 made by the petitioner in accordance with the law.

2. It is the case of the petitioner that his son who is aged about 9 years while studying 4th standard in the 5th Respondent school used to go to School by school bus. While being so, on 10.10.2019, some of the parents handed over the school fees along with fee card to the Driver to be paid in school. When the amount collected was verified, there was a shortfall of Rs.4000/-. Therefore, bags of all the students including the petitioner's son were checked, but the missing money was not found, which led to enquiring the petitioner's son about the money. Though the petitioner's son told that he had not taken anything, he was threatened and harassed by the staffs of the 5th respondent school and even his bags were searched. Due to the above act petitioner's son had suffered mental trauma and has been taking treatment in the hospital. Aggrieved by the same, the petitioner made a representation on 14.10.2019 to the 2nd Respondent to take necessary action against the 5th respondent school and its staffs, however, till date no action has been taken by the 2nd respondent. Hence the present Writ petition has been filed seeking the above relief.

3. The learned counsel for the petitioner submits that having not taken the money, the petitioner's son was threatened and harassed by the staff's of the 5th respondent school and the police complaint was also lodged by the petitioner against the 5th respondent school and its staffs with regard to the issue. Since no action was taken by the police on the petitioner's complaint, the petitioner made a representation to the 2nd respondent on 14.10.2019, however, till date, no action has been taken against the 5th respondent school and its staffs which resulted in the filing of the present Writ Petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent



to consider the petitioner's representation dated 14.10.2019 and pass orders on the same within a particular time frame fixed by this Court .

5. The learned counsel for the respondents submits that due to shortfall of Rs.4000/- from the amount collected, all the students were asked as to whether anyone had knowledge regarding the missing of the money and other than that no further enquiry was done with the students. However, the petitioner is trying to exaggerate the simple issue for reasons best known to him. Therefore the Writ petition filed by the petitioner is liable to be dismissed.

6. Though contentions and counter contentions were advanced, in view of the limited relief sought for, this Court without going into the merits of the case issues direction to the 2nd respondent to consider the petitioner's representation dated 14.10.2019 and after affording an opportunity of hearing to the petitioner as well as the 5th respondent, pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. This Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Director of Matriculation Schools,
DPI Campus, College Road, Chennai-06.
2. The District Collector Cum
Chair Person of District Child
Protection Unit,
District Collectorate Office,
Salem-636 001.
3. The Chief Educational Officer, Salem District.
4. The District Child Protection Officer,
District Child Protection Unit
Salem District.

+1 cc to Mr.L. Muthusamy, Advocate Sr.NO. 59243

+1 cc to Government Pleader Sr.NO. 59027

W.P.No.4029 of 2020

JPL(CO)

A.SK(07.12.2021)