



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.6996 of 2013

N.Arjunan

... Petitioner

Vs.

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

2.The Director,
Directorate of Matriculation School,
DMS Campus,
Chennai - 600 006.

3.Mrs.Vimala Britto,
Correspondent,
St.Britto Academy,
No.R 3/3, Nethaji Road,
Velachery, Chennai - 600 042.

4.The Principal,
St.Brittos Matriculation Hr. Sec. School,
Adambakkam, Chennai - 88.

... Respondents

[Cause Title amended as per order dated 08.01.2020 made
in W.M.P.No.33670 of 2017 in W.P.No.6996 of 2013]

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents either jointly or severally to pay a sum of Rs.10,00,000/- with interest to the petitioner towards compensation for his son's grievous Injury, Mental Agony and Loss of Academic due to the Accident occurred in the 4th respondent school due to the negligence on the part of the respondents, award cost.



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For Petitioner : Mr.V.Ayyapparaja
For R1 & R2 : Mr.C.Kathiravan
Government Advocate
For R3 & R4 : Mr.P.J.George

O R D E R

(Through Video Conferencing)

The relief sought for in the present writ petition is to direct the respondents to pay a sum of Rs.10,00,000/- with interest as compensation, for the accident occurred in the School premises, wherein, the son of the writ petitioner sustained grievous injuries.

2.The learned counsel for the petitioner states that, on 30.08.2012, around 11.00 a.m., when the petitioner was in his office, he received a phone call from the School Teacher stating that his younger son got injured and admitted in the hospital due to the accident happened in the School premises and asked the petitioner to come to Pomalligai Hospital, Adambakkam, Chennai. The son of the petitioner was in serious condition and subsequently, he was brought to Dr.Kamatchi Memorial Hospital and admitted in the ICU.

3.However, the fact remains that the 4th respondent School is a private Matriculation School and therefore, this Court need not entertain the writ petition under Article 226 of the Constitution of India. Further, for grant of compensation, an adjudication is required with reference to the documents and evidence to be produced by the parties. Thus, the petitioner has to approach the competent Civil Court of law for the purpose of adjudication of such disputed issues.

4.In this view of the matter, the petitioner is at liberty to approach the competent Civil Court of law for claiming damages in the manner known to law. In the event of filing of any such civil suit, the competent Court has to condone the delay for the period in which the writ petition is pending before this Court.

With this liberty, this writ petition stands disposed of.
No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



mkn
To

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

2.The Director,
Directorate of Matriculation School,
DMS Campus,
Chennai - 600 006.

+1cc to M/s.R.Bharath Kumar, Advocate Sr.51684
+2cc to M/s.P.J.George, Advocate Sr.51143
+1cc to the Government Pleader Sr.52018

W.P.No.6996 of 2013

ksm[co]
srg 27/10/2021