

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.45 of 2017

Nirmala Das

....

Appellant

Mr. P. K. Nayak, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. Dipti Ranjan Mohapatra, Senior Standing Counsel for
School and Mass Education Department

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

Order No.

ORDER
12.10.2022

Misc. Case No.81 of 2017

08.

1. For the reasons stated, the delay of 1 day in filing the appeal is condoned. The application is allowed.

W.A. No.45 of 2017

2. The challenge in the present writ appeal is to an order dated 9th January, 2017 passed by the learned Single Judge dismissing the W.P.(C) No.13273 of 2012 filed by the present Appellant, whose son was studying in Class-X of Baya Abadhuta High School, Kanimul in Jagatsinghpur District and died on 2nd September, 2011 during immersion of the idol of the Lord Ganesh in the pond of the school.

3. As noted by the learned Single Judge, the immersion of the idol in the school pond took place on a holiday and it was not under the

direction of school authority or any of the teachers or staff of the school.

4. In view of the above factual background, it was not possible for the Appellant to demonstrate any failure of discharge of official function by the school authorities warranting fixation of liability on them for the unfortunate death of the Appellant's son. The Court is unable to take a view different from that taken by the learned Single Judge in the matter.

5. The appeal is accordingly dismissed.



M. Panda