



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.19122 of 2020
and
W.M.P.No.23697 of 2020

Antony Selvam

.....Petitioner

Vs

1. State of Tamil Nadu rep by its
Chief Educational Officer,
CEO Officer, Audikesavapuram,
Egmore, Chennai.
2. Director of Matriculation Schools,
O/o. Directorate of Matriculation Schools,
DPI Campus,
College Road, Chennai.
3. Don Bosco Nursery and Primary School rep by its
Rev. Sr. Sruthi,
No.611 11th Street, Sastri Nagar,
Vyasarpadi, Chennai-39.
4. SMA Sisters rep by its Mother Superior
Rev. Sr. JosephinSelvi,
No.226, MMC Road, Madhavaram,
Chennai-60.

.....Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 & 2 to take action against the respondents 3 & 4 for their negligent action wilful violation of the Government orders and to compensate adequately for the pain and suffering undergone by petitioner's son and entire family.

For Petitioner : Mr. G. Selvi George

For Respondents : Mr. Stalin Abimanyu,
Additional Government Pleader for R1.
: Mr. Father xavier Arulraj, Senior Counsel for
Father Xavier Associates for R3 & R4.



O R D E R

The present petition has been filed seeking a direction to the respondents 1 & 2 to take action against the respondents 3 & 4 for their negligence towards violations of the Government orders and to compensate adequately for the pain and suffering undergone by petitioner's son and entire family.

2. It is the case of the petitioner that the banner which was kept in the 3rd respondent school for annual day function fell on the head of the petitioner's son, and sustained severe head injury, due to which he was diagnosed to have post traumatic seizure disorder which disorder may last for minimum five years. While being so, the petitioner had made a representation dated 06.03.2020 before the respondents 1 & 2 to enquire into the matter. However, till date, the same has not been considered. Hence, the present petition is filed seeking the aforesaid relief.

3. Learned counsel for the petitioner submits that the petitioner had incurred a sum of Rs.2,00,000/- towards the medical treatment of his son which will have an impact for many years. Therefore, this Court may issue a direction to the respondents 1 & 2 to take action against the respondents 3 & 4 and further the 3rd respondent may be directed to pay suitable compensation amount to the petitioner towards the future medical treatment of his son.

4. Learned Senior Counsel for the 3rd respondent School submits that they are ready to pay a sum of Rs.2,50,000/- to the petitioner towards medical expenses.

5. Heard the learned counsel on the either side and perused the materials available on record.

6. Upon careful perusal of the records and in view of the undertaking given by the learned Senior counsel appearing for private respondents, this Court without going into the merits of the case directs the 3rd respondent to pay a sum of Rs.2,50,000/- towards compensation for the injuries sustained by the petitioner's son within a period of four weeks from the date of receipt of a copy of this order.

7. If the petitioner has any grievance with regard to the compensation amount, it is open for the petitioner to file appropriate application before the District Legal Services Authority for higher compensation. If any such application is



filed, the District Legal Services Authority shall take up the matter between the parties and adjudicate the same as expeditiously as possible.

8. This Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Chief Educational Officer,
State of Tamil Nadu
CEO Officer, Audikesavapuram,
Egmore, Chennai.
2. Director of Matriculation Schools,
O/o. Directorate of Matriculation Schools,
DPI Campus,
College Road, Chennai.
3. The Secretary,
District Legal Services Authority,
Chennai.

+2cc to M/s.Father Xavier Associates, Advocate SR.No.4438
+1cc to Mr.Selvi George, Advocate SR.No.4204

W.P.No.19122 of 2020

PMK (CO)
GN (24/02/2022)