



W.P(MD)No.9060 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9060 of 2019

K.Irulandi

... Petitioner

Vs.

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

2.The District Collector,
O/o. District Collector Office,
Virudhunagar.

3.The Chief Educational Officer,
Kumarasamy Raja Nagar,
Virudhunagar-626 002.

4.District Educational Officer,
Kovilambakkam,
Aruppukottai Taluk,
Virudhunagar District.

5.The Correspondent,
SPK Higher Secondary School,
Aruppukottai.

6.Padma Priya



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Chemistry Teacher,
SPK Higher Secondary School,
Aruppukottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 4 to take appropriate actions against 5th & 6th respondent and his men and revoke the recognition of the school in order to prevent the functioning of the school.

For Petitioner : Mr.K.Neelamegam
For R1 to R4 : Mr.S.Shaji Bino
Special Government Pleader
For R5 & R6 : Mr.A.V.Arun

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R4 and the learned counsel appearing for R5 & R6.

2. The petitioner's daughter was studying in 11th standard in the fifth respondent school. On 24.09.2018, the petitioner's child jumped from the second floor of the school building and suffered severe injuries.



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3. The case of the petitioner is that his daughter attempted to take the extreme step, since she was humiliated by the sixth respondent. According to the learned counsel appearing for the petitioner, the school management has to pay appropriate compensation. He would also demand that the department should revoke recognition given to the school. In this regard, the petitioner has given a representation and he wants this Court to direct the department to take action thereon.

4. The learned counsel took me through the averments set out in the affidavit filed in support of the writ petition and also the materials enclosed in the typed set of papers.

5. The facts do make a heart-rending reading. But the question is whether the 6th respondent teacher or the school management can be fastened with liability for the occurrence. The department has filed a detailed counter affidavit. According to the Chief Educational Officer, enquiry was conducted and according to the enquiry findings, neither the chemistry teacher nor the school management are responsible. Since factual disputes are involved, it is not possible for this Court to adjudicate the same in writ proceedings. The time spent in prosecuting the writ proceedings will be excluded if the petitioner chooses to file any civil suit.



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G.R.SWAMINATHAN, J.

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6. Leaving open the rights and remedies of the petitioner, the writ petition is disposed of. No costs.

06.12.2022

Index : Yes / No

Internet : Yes/ No

rmi

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