



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2674 of 2017

and

W.M.P. (MD)No.2209 of 2017

WEB COPY

G.Selvarajan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Fort St.George,
Chennai.

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

3.The Director,
Directorate of School Education,
Nungambakkam,
Chennai-6.

4.The Chief Educational Officer,
Chief Educational Office,
Virudhunagar District.

5.The District Educational Officer,
District Education Officer,
Aruppukottai, Virudhunagar District.

6.Anandaraj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to provide compensation of Rs.10 Lakhs to the petitioner for the loss suffered by the petitioner's son within the stipulated period accordance with law.

For Petitioner : Mr.T.Lajapathi Roy

For R1 to R5 : Mr.V.OM.Prakash
Government Advocate

For R6 : Mr.C.Meenakshi Rama Prabhu



O R D E R

Heard the learned counsel on either side.

2. The petitioner's son studied in the S.B.K.Boys Higher Secondary School, Aruppukottai. The case of the petitioner is that on 10.08.2015, the 6th respondent handed out corporal punishment leading to enlargement of his son's kidney. In this regard, Crime No.660 of 2015 was registered on the file of the Aruppukkottai Town Police Station. Complaints were also given to the education department. The petitioner has enclosed a copy of the discharge summary issued by the Government Hospital, Aruppukkottai. Later, the petitioner's son was referred to Government Hospital, Madurai for treatment. Seeking compensation for the agony suffered by his son, this Writ Petition has been filed.

3. The learned Government Advocate appearing for the education department would state that enquiry was conducted by the Chief Educational Officer and that it has been found that the allegations made by the petitioner are not true.

4. The learned counsel appearing for the 6th respondent also strongly contended that no corporal punishment was handed out and that no incident happened as projected by the petitioner.

5. Since disputed facts are involved and the materials enclosed in the typed set of papers are not sufficient for this Court to come to any conclusion, regarding veracity of the petitioner's allegation, I have to necessarily relegate the petitioner to move the jurisdictional civil court. This is all the more so because, Crime No.660 of 2015 lodged by the victim was also closed as 'Mistake of Fact'. RCS notice was issued and on account of non-appearance, RCS was also recorded and closed on 27.08.2018. It appears that further steps were not taken by the petitioner.

6. The Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

rmi



To

1.The Secretary to Government of Tamil Nadu,
Education Department,
Fort St.George,
Chennai.

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

3.The Director,
Directorate of School Education,
Nungambakkam,
Chennai-6.

4.The Chief Educational Officer,
Chief Educational Office,
Virudhunagar District.

5.The District Educational Officer,
District Education Officer,
Aruppukottai, Virudhunagar District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-26994[F] dated
21/06/2022)

+1 CC to M/s.SPL.GP (SR-27133[F] dated 21/06/2022)

W.P.(MD)No.2674 of 2017
and
W.M.P.(MD)No.2209 of 2017
20.06.2022

RD(05.07.2022) 3P 8C