



WP No.17504 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-03-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.17504 of 2016

And

WPMP Nos.14960 and 14961 of 2016

Mr.Arun Prasath

..

Petitioner

VS.

1.The Secretary to State of Tamil Nadu,
Education Department,
Fort St. George,
Chennai-600 009.

2.The District Collector,
O/o.The District Collectorate,
Tiruppur District,
Tiruppur.

3.The District Educational Officer,
Corporation Building, I Floor,
Valipalayam,



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Tiruppur – 641 601.
[Opp: Murugan Temple]

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4. The Chief Educational Officer,
5th Floor, The District Collector Office,
Palladam Road,
Tiruppur District,
Tiruppur.
5. The Director of Matriculation Schools,
O/o. The Director of Matriculation Schools,
DPI Campus,
College Road,
Chennai-600 006.
6. The Inspector of Matriculation Schools,
Opp: To Old Railway Station,
Erode.
7. The Inspector of Police,
Law and Order,
Tiruppur Central Police Station,
Tiruppur.
8. Kathiravan Matriculation Higher Secondary
School at No.23, KVR Nagar,
KTC School Road, Tiruppur,
Tamil Nadu 641 604
Represented by its Principal.

.. Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 3, 4, 5, 6 and 8 to pay compensation of Rs.25 lakhs to the petitioner.

For Petitioner	: Mr.B.Thiyagarajan for Mr.A.Thirumaran
For Respondents-1 to 7	: Mr.S.Ravichandran, Additional Government Pleader.
For Respondent-8	: Mr.V.P.Sengottuvel, Senior Counsel for Ms.K.Indu Priya

ORDER

The writ on hand has been instituted to direct the respondents 3, 4, 5, 6 and 8 to pay compensation of Rs.25 lakhs to the petitioner.

2. The petitioner states that his son Master Sri Shivaraam, aged about 6 years, was brutally murdered in the school premises by his senior, who was studying in the very same school. The petitioner states that the



incident occurred due to the negligence on the part of the School Authorities, who had not taken adequate care of the children studying in the school.

3. The eighth respondent is the Matriculation Higher Secondary School and large number of students are studying in the school. More-so, the teachers and the administration of the school ought to have taken adequate care towards the children in the school.

4. In the present case, the son of the petitioner was brutally attacked by another student studying in the same school and thus the eighth respondent is liable to pay compensation to the petitioner for the death caused to son of the petitioner.

5. The learned Senior Counsel appearing on behalf of the eighth respondent objected the contention raised on behalf of the petitioner by stating that it was a fight between the two students studying in the school



and not in the class room and the incident occurred behind the school toilet without the knowledge of the teachers and the staff working in the school.

Immediately, on information, the School Administration admitted the son of the petitioner in the Hospital and provided treatment. The boy unfortunately died in the hospital.

6. Prima facie, there is no negligence on the part of the School Administration, since the incident occurred behind the school toilet without the knowledge of the School Authorities and the petitioner's son and another boy picked up quarrel and attacked each other.

7. If at all there is such negligence, as the petitioner alleged, it is to be established through documents and evidences and the Writ Court cannot conduct such roving enquiry in respect of such incidents happened in the school premises.



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8. The petitioner has not established, prima facie, negligence against the school Authorities. Admittedly, it was a fight between the two students, which took place behind the school toilet and therefore, the teachers or the staff members of the school had no knowledge about the said incident. Immediately on information, they rescued the students and admitted them in the hospital.

9. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 7 brought to the notice of this Court that a criminal case was registered in FIR No.62 of 2016 dated 27.01.2016 and subsequently the criminal case was closed on 30.09.2018.

10. That being the factum, the case on hand cannot be construed as a case for grant of compensation in writ proceedings. However, the petitioner is at liberty to approach the Civil Court of Law if he could establish the negligence in the manner known to law.



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11. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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S.M.SUBRAMANIAM, J.

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