



W.P.No.29367 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.29367 of 2013

and

M.P.No.1 of 2013

T.Vijayakumar

...Petitioner

-Vs-

1. The State Of Tamilnadu,
Rep. By Secretary To Government,
School Education Department ,
Secretariat, Chennai-9.
2. The Director,
Office of the Director of School Education,
College Road, Chennai-6.
3. The Chairman,
State Human Rights Commissioner,
Thiruvaramangam, 143,
P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai-28.
4. The Chairman,
National Human Rights Commission,
Faridkot House, Copernicus Marg,
New Delhi-110 001.



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5. Velammal Vidyaashram School,
A unit Of The Velammal Education Trust,
Rep. by its Chief Executive Officer,
Mr.M.V.M.Velmurugan,
Velammal Nagar,
Ambattur Redhills Road,
Surapet, Chennai-66.
6. Ms.Nalini,
Teacher (Drawing),
Velammal Nagar, Ambattur Redhills Road,
Surapet, Chennai-66.
7. The Inspector of Police,
M-3, Puzhal Police Station,
Chennai-66.
8. The Assistant Commissioner of Police,
Puzhal, Chennai-66.
9. The Chairperson,
National Commission for Protection of Child Rights,
5th Floor, Chander Lok Building ,
Janpath, New Delhi-110 001.
10. The Special Commissioner,
Tamilnadu Commission for Protection of Child Rights,
No.300, Purasawakkam High Road,
Chennai-10. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to initiate action against the respondents 5 and 6 and further direct the respondents 5 and 6 to pay a compensation of



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Rs.50,00,000/- (Rupees Fifty Lakhs only) to the petitioners daughter for causing the loss of the eye sight to the petitioners daughter.

For Petitioner : Ms.V.Pavithra for
Mrs.V.Srimathi

For Respondents :
(for R-7, 8 & 9) : Mr.T.Arun Kumar, AGP
(for R-5) : Mr.V.P.Sengottuvel, Senior Counsel
for Mr.N.Raja Senthoo Pandian
(for R-6) : Mr.C.Subramanian for
M/s.Arul Selvam Associates
(for R-3) : Mr.K.S.Srigiri Prasath
(for R-9) : No Appearance
(for R-4) : Not ready in Notice

ORDER

The writ of mandamus has been filed, to direct the respondents 1 to 4 to initiate actions against the respondents 5 to 6 and further direct the respondents 5 and 6 to pay the compensation of Rs.50,00,000/- (Rupees Fifty Lakhs Only) to the daughter of the petitioner for causing loss of eyesight to the petitioner's daughter.

2.The fifth respondent is a private school and the sixth respondent is a teacher. More so, the petitioner is claiming compensation against the



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respondents 5 and 6 and not against the State. That apart, to decide the entitlement for grant of compensation, the facts which all are disputed in the present case have to be adjudicated. The petitioner has to prove that the injury caused is on account of the negligence of the school authorities or the 6th respondent/teacher. In absence of proving the same, relief of compensation cannot be granted in a routine manner.

3.The learned Additional government pleader brought to the notice of this Court that a criminal case was registered based on the complaint given by the parents of the student in Crime No.293 of 2013, on the file of the Puzhal Police Station. The police authorities shall proceed with the criminal case without causing any undue delay.

4.In any event, the petitioner is not seeking any relief against the State in the present writ petition and therefore, the petitioner is at liberty to pursue the criminal case to establish the negligence or otherwise on the part of the school/5th respondent or the 6th respondent and to approach the competent civil forum for the purpose of claiming compensation by establishing her right to get compensation.



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5. With this liberty, the writ petition stands **disposed of**. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes

Speaking order

Neutral Citation: Yes

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To

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S.M.SUBRAMANIAM, J.

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