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W.P.No.24917 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.24917 of 2017

Jeyaraman

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Petitioner

VS

1. The Director of School Education
College Road, Chennai – 600 006.
2. The Chief Educational Officer
Collector Office Building
Thiruvallur, Thiruvallur District.
3. The Chief Executive Officer
Vellammal Vidhayasharam
Vellammal Education Institution
Surapet, Ambattur
Chennai – 600 066.
4. The Inspector of Police
Puzhal Police Station
Chennai.
5. The Central Board of Secondary
Education (CBSE)
Rep. by its Director
Southern Region
Anna Nagar, Chennai.

[R4 & R5 *suo motu* impleaded vide order
dated 18.09.2017 in W.P.No.24917 of 2017]

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Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first and second respondent to take necessary action against the third respondent with further direction to the third respondent to grant adequate compensation of Rs.25 Lakhs to petitioner's son namely Jeison, aged about 4½ years upon considering the petitioner representation dated 21.08.2017.

For Petitioner : Mr.T.Mohan
Senior Counsel
for Mr.C.Elamurugan

For Respondents : Mr.P.Kumaresan
Additional Advocate General
Mr.J.Daniel
Government Advocate
for R1, R2 & R4

Mr.V.P.Sengottuvel
Senior Counsel
for Mr.N.Raja Senthoo Pandian
for R3

Mr.G.Nagarajan
for R5

ORDER

The Writ of Mandamus has been instituted to direct the respondents 1 and 2 to take necessary action against the third respondent and to give further direction to the third respondent to grant adequate compensation of Rs.25 Lakhs to the petitioner's son, namely Jeison, aged about 4½ years at the time of filing of the writ petition.

2. The son of the writ petitioner, namely Jeison, was studying in



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the third respondent school's Juniors Thilak Wing, Senior K.G, "B" section. The son of the petitioner was aged about 4 years and seven months at that point of time. On 11.08.2017, at around 12.40 pm, the wife of the petitioner telephoned the petitioner and informed that the third respondent school authorities conveyed the message that his son sustained injuries in the right eye and became unconscious in the third respondent school. He was admitted in the Ambattur Vasan Eye Care. Upon the initial check up, the doctors advised to admit the boy in the Sakarannethiyalaya Hospital at College Road, Chennai. Immediately, the petitioner admitted his son in Sakarannethiyalaya Hospital on the same day.

3. After preliminary investigation, the petitioner found that the injuries had not been caused due to falling in the tiles room, as informed by the third respondent school authorities. The petitioner states that the injuries might have been caused due to some other reason. The school teacher informed that the injury caused due to the act of falling on the floor and the doctors has stated that the reason given by the school teacher was not correct. The petitioner lodged a complaint before the Puzhal Police Station.



petitioner mainly contended that the son of the petitioner suffers 20% of permanent disability and the petitioner sustained huge medical expenses.

The police authorities have not initiated any proper action during the relevant point of time. Even now, the son of the petitioner is taking continuous treatment and the petitioner is spending huge amount for his medical expenses. Since the reason stated for injury is not convincing, the petitioner is of the opinion that the doctors has suppressed certain vital facts to the petitioner and thus, the writ petition is to be considered.

5. The learned Senior Counsel appearing on behalf of the third respondent school objected the contention raised by the petitioner by stating that, soon after the incident, the school authorities informed the same to the parents and the boy was taken to the Hospital at Ambattur immediately. Subsequently, the boy was admitted in Sakarannethiyalaya Hospital by the petitioner himself. The teachers informed the school authorities that the boy fell down on the floor inside the toilet and sustained eye injury. The school Administration had not suppressed any fact in this regard. Even during the investigation, there is no other proof to establish that the boy sustained injury on account of any other reason.



petitioner cannot be taken into consideration for the purpose of granting the relief of compensation. The disputed facts are to be adjudicated with reference to the documents and evidences on record. The petitioner is not able to prove the allegations specifically. General allegations raised cannot be considered in a writ proceedings for granting the relief of compensation. No doubt, the boy fell down on the floor inside the toilet as per the school teachers and sustained eye injuries. Unfortunately, the boy suffers 20% permanent disability. However, the petitioner has not proved any negligence on the part of the school authorities and in the absence of establishing any such negligence, a writ for compensation is not entertainable.

7. The learned Senior Counsel appearing for the third respondent made a submission that the school is willing to consider and share the medical expenses suffered by the petitioner. The petitioner is working as a Grade II Police Constable and suffers monetarily, since he has to meet out the medical expenses continuously. On instructions, the learned Senior Counsel for the third respondent informed this Court that the Management has voluntarily consented to pay a sum of Rs.2 lakhs towards the compensation to meet out the medical expenses. The said amount of compensation has been paid as a good gesture and without conceding to



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the allegations raised by the petitioner against the school. The school

Management has readily handed over the bank demand draft to the learned Senior Counsel appearing on behalf of the petitioner for the purpose of handing over the said bank demand draft to the petitioner. The spirit of the third respondent school in voluntarily paying the compensation of Rs.2 lakhs to meet out the medical expenses of the boy is appreciated. The bank demand draft for a sum of Rs.2 lakhs, drawn in the name of the petitioner, has been acknowledged by the learned counsel for the petitioner.

8. The learned Additional Advocate General appearing on behalf of the State brought to the notice of this Court that the criminal case registered in Crime No.199 of 2023 dated 22.03.2023 was also closed on the ground that there is no other proof to establish the offence against the school authorities.

9. Accordingly, the writ petition stands disposed of. There will be no order as to costs.

Index : Yes/No
Neutral Citation : Yes/No

21.04.2023



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S.M. SUBRAMANIAM, J.

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