



W.P(MD)No.11404 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11404 of 2015

Natarajan

... Petitioner

Vs

- 1.The State of Tamilnadu,
Through its Chief Secretary,
Fort.St.George,
Chennai -9.
- 2.The Secretary to Government,
School Education Department,
Chennai-9.
- 3.The District Collector,
Tanjore District,
Tanjore.
- 4.The Chief Educaitonal Officer,
Tanjore District,
Tanjore.
- 5.The District Educational Officer,
Tanjore District,
Tanjore.



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6.The Head Master,
Sri Kumarar Kurubara Swamigal Higher Sec.School,
Aaduthurai,
Thiruvudai Maruthur Taluk,
Tanjore District.

7.The Secretary,
Sri Kumarar Kurubara Swamigal Higher Sec.School,
Aaduthurai,
Thiruvudai Maruthur Taluk,
Tanjore District.

8.Selvam
9. Seenivasan
10. Mohan
11. Ramesh

12.The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur.

...Respondents

(R12 is Suo Motu impleaded Vide Court Order Dated 19.07.2023 in WP(MD) No.11404/2015 by BPJ).

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay Rs.25 Lakhs as compensation to the petitioner's family for death of his daughter namely Akilandeshwari while she was studying at the 6th and 7th respondents School.

For Petitioner	: Mr.R.Murugappan
For R1 to R5	: Mr.G.V.Vairam Santhosh
	Additional Government Pleader
R7	: Mr.T.Antony Arul Raj



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R8 to R11 :Mr.R.Murali
R6 : No appearance

ORDER

This writ petition was filed by the petitioner for a Mandamus, directing the respondents to pay compensation to the petitioner for the death of his daughter namely Akilandeshwari, while she was studying in Sri Kumarar Kurubara Swamigal Higher Secondary School, Aaduthurai, Thiruvudai Maruthur Taluk, Tanjore District.

2.The learned counsel appearing for the petitioner submits that this petitioner is a coolie worker and with great difficulty he has educated her daughter, namely, Akilandeshwari upto +2 in Sri Kumarar Kurubara Swamigal Higher Secondary School, Aaduthurai, Thiruvudai Maruthur Taluk, Tanjore District. According to the petitioner, on 15.02.2014, during practical examination, the respondents 8 to 11, the teachers of the above School instructed the petitioner's daughter to consume the chemical and on their compulsion, she consumed the chemical and



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subsequently she died. The learned counsel appearing for the petitioner by relying on the counter affidavit filed by the respondents 6 to 11 states that the respondents themselves have admitted the same in their counter affidavit that at the time of practical examination, a solution, namely, Ferrous Ammonium Sulphate was given to this petitioner's daughter. Therefore, according to the petitioner, on the compulsion of the respondents 8 to 11, the petitioner's daughter has consumed the chemical and she was admitted in the Hospital and died after two days.

3.The learned Government Advocate by referring the counter affidavit of the District Educational Officer, Tanjore submits that the petitioner's daughter Akilandeshwari has attended the practical examination in the sixth respondent School along with nine other students. During the practical examination, the chemical which was given to this petitioner's daughter was Ferrous Ammonium Sulphate and the same is not a poisonous substance. The District Educational Officer has also taken a specific stand that the other



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students were also present at the time of practical examination along with the petitioner's daughter. However, the petitioner's daughter has consumed something and that is not known to the administration of the School. She was admitted in the Hospital and died after three days. The learned Government Advocate further submits that a case in Crime No.18 of 2014 has also been registered on 18.02.2014 and after investigation, the case was closed as action dropped.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The case of the petitioner is that on the compulsion of the sixth respondent school teachers, the petitioner's daughter consumed chemical during practical examination, which was held on 15.02.2014. On the other hand, the District Educational Officer, Tanjore has taken a specific stand that the petitioner's daughter has attended the practical examination in the School along with nine other students. During the practical examination, the chemical which



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was given to this petitioner's daughter was Ferrous Ammonium Sulphate, which is not a poisonous substance. The petitioner's daughter was subjected for post mortem. Dr.K.Tamilmani has submitted a report that the deceased died due to poisoning. However, the Doctor has stated that the nature of poison could not be identified in the chemical analysis. The investigation Officer has also raised certain specific questions to the Doctor, who have conducted the post mortem on the possibility of chemical, by which, if it was in any way would be responsible for the cause of death of the deceased. For which, the Doctor has replied that it is possible. Even thereafter, the respondent police has conducted an investigation in Crime No.18 of 2014 and closed the case as action dropped.

6.This Court is not satisfied the way in which, the case has been dropped even without finding the actual cause for the death of the petitioner's daughter. The doctor, who has conducted the post mortem has clearly stated that the death is due to poisoning and the



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Doctor has also admitted that the death may be occurred due to inhale of the chemical, which has been given to the petitioner at the time of practical examination.

7.Since the respondent police has concluded the investigation and closed the case as action dropped and in the absence of any further materials, this Court is not in a position to order for compensation. However, this Court is of the view that a fair investigation is a fundamental right of the victim, which is guaranteed under Article 21 of the Constitution of India and therefore, this Court orders for a re-investigation in this matter.

8.Accordingly, this writ petition is disposed of with the following directions:-

- i. The Superintendent of Police, Thanjavur is directed to re-open the case, conduct re-investigation and find out the real cause of the death of the petitioner's daughter by constituting a special team.



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ii. The petitioner as well as the respondents shall co-operate for the investigation.

iii. The petitioner is at liberty to renew his application for compensation on the outcome of the investigation.

No costs.

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NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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