



W.P.No.19907 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	25.04.2024
Pronounced on	03.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19907 of 2020

Minor. Harsha
Represented by her Father/Natural Guardian
V.Shanmugam ...Petitioner

-Vs-

1.The Government of Tamilnadu,
Represented by Secretary Education Department,
Fort St.George,
Chennai – 600 009

2.The Director of School Education,
Nungambakkam,
Chennai – 600 006

3.The Chief Educational Officer,
Thiruvallur,
Thiruvallur District

4.The Principal,
Rajalakshmi Vidyashram Matriculation
Higher Secondary School,
No.2/28, Kurinji Nagar,
Ramapuram, Chennai – 600 089

...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 4th respondent to comply the order of the 2nd respondent dated 20.06.2019.

For petitioner	: Mr.R.Sankarasubbu for M/s.R.Swapna
For Respondents 1 to 3	: Mrs.S.Mythreye Chandru Special Government Pleader
For Respondent 4	: Mr.N.Ramakrishnan for M/s.Waron and Sai rams

ORDER

This writ petition has been filed for direction to direct the 4th respondent to comply the order passed by the 2nd respondent dated 26.06.2019.

2. The petitioner Ms.Harsha was studying first standard in the 4th respondent's school. On 09.04.2018, during the class hours, one student was sharpening her pencil and at that time another student snatched the pencil from her, due to the said act, the sharp needle of the pencil tip was hit in the petitioner's left eye. Therefore, she sustained injury on her left eye. Immediately, the said incident was informed to her parents, and the



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petitioner was rushed into hospital by the 4th respondent. The parents came to school and when the 4th respondent had offered all necessary treatment in the best private hospitals at chennai, the parents denied the said offer and undertake treatment by themselves. Ms.Harsha was taken to SRM hospital for first aid and again shifted to Ramachandra Hospital at Porur for further treatment. Again, she was shifted from Ramachandra Hospital to Government Eye Hospital at Egmore. She had undergone surgery, however she had lost her eye sight and she was assessed with disability to the tune of 30% by the Medical Board. Therefore, the petitioner sought for compensation before the respondents 1 to 3 herein. The petitioner also submitted complaint before the Human Rights Commission and the same was forwarded to conduct enquiry. Accordingly, the second respondent conducted detailed enquiry and pass orders on 20.06.2019 and directed the 4th respondent to take appropriate disciplinary action as against the class teacher as well as the school principal for their negligence which causing eye injury to the minor girl. Further directed the 4th respondent to bear the entire medical expenses incurred by the parents of the minor child and shall take responsibility of entire educational expenses of the minor girl. If the



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4th respondent failed to act in accordance with the directions issued by the

2nd respondent, due action will be taken as against the 4th respondent.

Though, the said order was not challenged by the 4th respondent, the accident which was caused to the minor daughter of the petitioner due to inadvertent mistake of other students.

3. It is also pertinent to mention that all were studied first standard and as such they did not know the consequences of playing with sharpen pencil. Therefore, the accident was not happened due to the negligence of the class teacher or principal of the school. However, in the detailed enquiry, the 2nd respondent issued the above directions to the 4th respondent. As directed by the 2nd respondent, now the 4th respondent complied the directions and the 4th respondent had taken disciplinary action as against the class teacher and the principal. They had submitted their resignation applications and they were relieved from their respective posts. Though the 4th respondent is ready to provide free education in their school till her completion of +2, the parents did not agree for the same and admitted her in other school. However, so far the parent did not produce any receipt



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to reimburse the expenses incurred by them toward her education. That apart, the parents of the minor girl also did not produce any medical bill or invoice and statement of account for reimbursement.

4. The 4th respondent also filed undertaking affidavit before this Court stating that the 4th respondent undertakes to provide free education for her in their school untill she completes her +2 or in the alternative provide the educational expenses of Minor Harsha in any other similar school until she completes her 12th standard. The said amounts shall be reimbursed by the School Management upon production of necessary School Fees Payment receipts by the parents of Minor Harsha every year. The 4th respondent is also willing to reimburse the medical expenses incurred for the treatment of minor girl upon production of invoice, bills or statement. Now, the minor girl Harsha is not studying in the 4th respondent's school and joined some other school. This Court directed the minor girl to appear before this Court to assess her physical ability. As per the said direction, the minor girl Harsha appeared before this Court and deposed that she couldn't see anything on her left eye. However, as per the medical report, she had 30%



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of disability on her left eye. The 4th respondent had already complied with the first direction issued by the 2nd respondent. Insofar as other directions are concerned, this Court inclined to issue the following directions:

a) The 4th respondent shall reimburse the medical expenses if any incurred by the parents of the minor girl Harsha in respect of her left eye treatment upon production of original bills, invoice or statement of accounts to prove the payment of medical expenses incurred by her parents.

b) In respect of educational expenses are concerned, the 4th respondent shall reimburse only the tuition fees alone of the minor girl Harsha's entire education career upon production of original fees receipts or invoice or statement of accounts.

5. With the above direction, this writ petition is disposed of. No



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Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
gvn

To

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Represented by Secretary Education Department,
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- 2.The Director of School Education,
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G.K.ILANTHIRAIYAN,J.
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