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W.P. No.25034 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.P. No.25034 of 2024 and W.M.P. No.27373 of 2024

A.P.Suryaprakasam

Petitioner

v

1. State of Tamil Nadu
represented by its Secretary
Ministry of Home, Prohibition
and Excise Department
Secretariat
Chennai 600 009
2. The Central Bureau of Investigation
represented by its Joint Director
No.17, 5th Avenue, Thiruvalluvar Nagar
Besant Nagar
Chennai
Tamil Nadu 600 090
3. The Director General of Police
No.1, Kamarajar Salai
Mylapore
Chennai 600 004
4. The Superintendent of Police
Krishnagiri District
Tamil Nadu 635 115
5. The District Child Welfare Committee
No.H52@+MX3
Londenpet
Krishnagiri District, Tamil Nadu 635 002

Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to transfer the investigation pertaining to the alleged sexual abuses of school children in the bogus NCC camp said to have been organised by anti social elements in Krishnagiri District in Tamil Nadu from the subordinates of the fourth respondent to the second respondent for proper investigation and to infuse confidence in the mind of the common man and parents of the school going children that their children are well protected in the society.

For petitioner	Mr. A.P. Suryaprakasam Party-in-person
For RR 1 & 3	Mr. P.S. Raman, Advocate General assisted by Mr. R. Muniyapparaj Additional Public Prosecutor and Mr. M. Sylvester John
For R2	Mr. N. Srinivasan Special Public Prosecutor for CBI Cases
For R4	Mr. Hasan Mohamed Jinnah State Public Prosecutor assisted by Mr. Raj Thilak Addl. Public Prosecutor
For R5	Mr. J. Ravindran, Addl. Adv. General assisted by Mr.R.Muniyapparaj Addl.Public Prosecutor and Mr. T.K. Saravanan Government Advocate



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ORDER

(made by D. KRISHNAKUMAR, J.)

The gist of the prayer sought in this writ petition, which is filed as a public interest litigation, is the transfer of the investigation pertaining to the alleged sexual abuses of school children in the bogus NCC camp said to have been organised by anti-social elements in Krishnagiri District in Tamil Nadu from the file of the State police to the file of the Central Bureau of Investigation, for a proper investigation.

2. This Bench passed an order on 13.11.2024, wherein, at paragraph no.6, it was stated as under:

"6. Learned Advocate General further informed that the Tamil Nadu Government has announced measures to ensure student safety and welfare by setting up Advisory Committee; keeping complaint boxes in all schools; and printing helpline numbers on the covers of textbooks. Further, the government has also instructed the Directors and Joint Directors of School Education Department, to be appointed as District Monitoring Officers, to oversee the implementation of these safety measures. He also submitted that in this regard, the government has taken a policy decision and appropriate orders will be passed within a week and the copy of the order also will be placed before this court on the next hearing, including the action to be taken against the persons. against whom, complaints are received under the offences of Narcotic Drug and Psychotropic Substances Act."



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3. In pursuance of the aforesaid submission of the learned Advocate General, today, when the matter was taken up for hearing, Mr. J. Ravindran, learned Additional Advocate General, submitted before this Court a report, wherein, *inter alia*, it is stated that:

i. the Director of Private Schools, *vide* proceedings dated 15.11.2024, has instructed all the District Educational Officers (Private Schools) to give training to the Principals, Correspondents, teachers and non-teaching staff of all the schools with the help of the District Child Welfare Officer, Social Welfare Officer, Health Department Officer and Police Department Officer on:

- the disciplinary action to be taken against the teachers who are misbehaving with students as per G.O.(Ms.) No.121, School Education (E1) Department dated 17.05.2012;
- formation of Student Safeguarding Advisory Committee in all schools as per G.O. (1D) No.83, School Education (ERT) Department dated 17.06.2021;
- the necessity of the schools to obtain proper prior permission from the Department for conducting NSS,



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NCC, Scout, Guide and JRC camps and that camps should be conducted with trained teachers as per proceedings dated 19.08.2024 of the Director of Private Schools and two other circulars;

- the necessity of school students to be aware of the Protection of Children from Sexual Offences Act as per proceedings dated 12.08.2024 of the Director of Private Schools;

ii. Special Officer has been appointed in respect of two schools.

4. The aforesaid report filed by the learned Additional Advocate General is taken on record.

5. Further, the detailed report of Mrs. Sumathi Sai Priya, Officer on Special Duty to monitor and coordinate with the Registrar (I.T.-cum-Statistics), Madras High Court, shall be forwarded by the Registry of this Court to the Special Officers of the schools appointed by the Government and also to the Multi Disciplinary Team headed by Mrs. Jayashree Muralidharan, I.A.S., Secretary, Social Welfare and Women Empowerment, and the defects, if any, pointed out in the said



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report shall be looked into by the Special Officers and the Multi Disciplinary Team and necessary remedial measures shall be taken sans delay.

6. Next, it was submitted by the learned Advocate General that compensation amounts have been deposited before the Mahila Court. Hence, it is directed that the victims/parents of victims, as the case may be, shall file appropriate application before the Mahila Court for withdrawing the compensation amount.

7. It was further submitted by the learned Advocate General that:

a. in all the three cases registered by the Special Investigation Team headed by the Deputy Inspector General of Police, charge sheets have been filed before the jurisdictional Courts and in the case registered by Kaveripattinam Police Station in connection with the death of Ashok Kumar, father of Sivaraman, investigation has been completed and charge sheet is yet to be filed.



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b. Further enquiry report by the Judicial Magistrate No.III, Salem, is awaited.

c. In respect of Udhayam Matriculation Higher Secondary School, Sivampatti, Bargur Taluk and BCR Matriculation Higher Secondary School, Karimangalam, Dharmapuri District, orders appointing Special Officers will be passed by the Government within a period of one week from today.

8. The aforesaid submissions of the learned Advocate General are recorded.

9. Considering the seriousness involved in this matter,

a. it is directed that periodical reports shall be filed by the State before the Registrar General of this Court, once in three months, indicating the status of the three cases in which charge sheets have been filed and also also the status of one case in which charge sheet is yet to be filed.



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b. it is further directed that the Chairperson, District Legal Services Authority, Dharmapuri and Krishnagiri, shall make periodical inspection of the schools falling under their jurisdiction to ensure that instances as in the case on hand do not recur, and forward their reports containing defects/suggestions to the Special Officers of the schools and also the Multi Disciplinary Team and on receipt of such periodical reports, the Special Officers and the Multi Disciplinary Team shall see to that the suggestions so received are implemented, subject to feasibility and the defects so pointed out, are rectified with least delay.

10. While bringing the curtains down, this Court places on record its profound appreciation to the petitioner/party-in-person and also learned Advocate General, Additional Advocate General and their team of Law Officers, but for which, it would not have been possible for this Court to bring the matter to this stage.



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With the above directions and observation, this writ petition stands disposed of with the consent of both sides. No costs. Connected W.M.P. stands closed.

(D.K.K., J.) (P.B.B., J.)
20.11.2024

cad

To

- 1 The Secretary
Ministry of Home, Prohibition
and Excise Department
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Chennai 600 009
2. The Joint Director
Central Bureau of Investigation
No.17, 5th Avenue, Thiruvalluvar Nagar
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and

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