



W.P.No.28601 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28601 of 2022

Latha Educational Society Kaniyamoor,
Represented by its Treasurer,
Murugesan,
Kaniyamoor P.O., Chinnasalem,
Kallakurichi District.

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.
2. The District Collector,
Kallakurichi District.
3. The District Education Officer,
Kallakurichi District.
4. The ADSP, CBCID,
Government of Tamil Nadu,
Chennai.
(R4 *suo motu* impleaded vide order dated
25.11.2022 made in W.P.No.23601 of 2022)

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 19.10.2022 and permit regular physical functioning of classes for the petitioner's school students, at its premises at Kaniyamoor, Chinnasalem, within a specified time frame stipulated by this Court.

For Petitioner : Mr.K.R.Samratt

For Respondents : Mr. P.Sanjay Gandhi,
Government Advocate (for R1 & R3)

Mr. E.Vijay Anand,
Additional Government Pleader
(for R2 & R4)

ORDER

This Writ Petition has been filed to direct the second respondent to consider the representation dated 19.10.2022 submitted by the petitioner seeking permission to conduct regular physical functioning of classes in the concerned school premises situated at Kaniyamoor, Chinnasalem, Kallakurichi District.



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2. The petitioner is an Educational Society, registered before the Registrar of Society, Kallakurichi under the Tamil Nadu Societies Registration Act, 1975, which was formed in the year 1993 and two schools are run, viz., 1. Sakthi Matriculation Higher Secondary School and 2. ECR International School. Both the schools are situated at Kaniyamoor, Kallakurichi District.

3. While that being so, on 17.07.2022, both the school buildings and belongings as well as the assets inside the school premises, were vandalised and ransacked by the riots, following the unfortunate death of one girl student, by name R.Srimathi. Due to the death of the said student, the entire labs, furnitures, class rooms, computers, vehicles and several other assets in various blocks of the School campus, were deliberately vandalised, ransacked and stolen in the riot.

4. According to the petitioner, the internal assessment of damages caused by the unlawful violent incident would be around Rs. 25 Crores. Due to the damages of the entire school premises, the education was completely



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affected for nearly 3500 students. Thereafter, the petitioner had started on-line classes to all the students and they had physically resumed classes for students studying 9th to 12th standard in temporary campus at Sri Balaji College of Education, which is situated few kilometers away from the school premises. In view of the demise of the said student, the First Information Report in Crime No. 1 of 2022, has been registered as against the correspondent and teachers of the school, for the offences under Section 305 of IPC and 75 Juvenile Justice Act. While the investigation is pending, the entire School premises were locked and sealed. Therefore, the petitioner submitted a representation seeking permission to enter into the school premises and to undertake repairs and maintenance works and also seeking permission to start the physical functioning of the School, but as it did not evoke any response, the petitioner has filed the Writ Petition in W.P.No.22084 of 2022. This Court on 23.08.2022 directed the second respondent to pass orders on the said representation submitted by the petitioner seeking permission to re-open the petitioner's school premises. within a period of 10 days. As directed by this Court, the second respondent had passed the order dated 17.09.2022, thereby. granting permission only to



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enter and revamp and renovate the school premises with effect from 19.09.2022 for a period of 45 days, subject to certain conditions. Accordingly, the petitioner renovated the entire school buildings and also obtained certificate for structural soundness, No Objection Certificate from the Tamil Nadu Fire and Rescue Service Department, School Sanitary Certificate and had renewed the building license under the Tamil Nadu Public Buildings, (Licensing) Act, 1965 as per the proceedings, dated 18.10.2022. Therefore, the petitioner submitted further representation to the respondents seeking permission to conduct regular physical functioning of the classes in the school premises. The said representation was not considered and as such, the present Writ Petition has been filed by the petitioner.

5. In this Writ Petition, this Court passed detailed interim order on 30.11.2022 and the relevant portion is extracted hereunder:-

*“44. In view of the discussion herein above made,
this Court is inclined to grant the following interim order:*

- *That the petitioner Management is permitted to*



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reopen the two schools viz., 1. ECR International School and 2. Sakthi Matriculation Higher Secondary School for classes IX to XII standards alone for a period of one month on trial basis from 05.12.2022.

- *The necessary intimation to that effect shall be given by the petitioner Management to the parents of the students.*
- *There shall be a direction to the District Administration headed by the District Collector and the District Superintendent of Police, Kallakurichi District to visit the school before 04.12.2022 and have a discussion with the school management as well as the stakeholders of the other departments i.e., the District Administration and the Education Department and prepare a plan as to how the security in the school premises as well as in the locality to be maintained by the District*



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Administration.

- *In this regard, after completing the plan, the District Administration shall provide necessary security arrangement by deploying the police force adequately as required, which will be decided in this regard by the District Administration for maintaining the law and order in the school premises as well as in the locality.*
- *If the petitioner Management feels that additional police force is required to ensure every protection, that request can be made by the petitioner Management to the District Superintendent of Police for providing more personnel from the police Department, which shall be considered and provided on payment of cost by the petitioner Management.*
- *That apart, the petitioner Management shall also take steps to engage a private security system with*



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CCTV cameras being fitted in the school premises and that should be made immediately by the petitioner Management before the schools are open for the classes from IX to XII on 05.12.2022.

- *A further direction is given to the District Collector, who, at the time of visiting the school as indicated above along with other stakeholders, shall ensure that, the third floor of the A block of the school premises is kept closed i.e., lock and sealed and the key shall be kept by the District Collector until further orders.*
- *This system shall prevail as a trial basis from 05.12.2022 for a period of one month. On expiry of one month period, this order would be reviewed. Depending upon the situation prevailing the further course of action with regard to the plea of the petitioner to permit them to open other classes i.e., from VI to VIII standards or even from lower classes*



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i.e., from L.K.G. to VI standards also would be considered.

- *The direction given by this Court to keep the third floor of the A block under lock and seal at the hands of the District administration is given only to instill confidence in the victim side that this Court will not let down any side and it would see only justice will prevail at the end.*
- *It is further made clear that except the G+2 floors in block A, no other part of the building including open terrace can be used by the management of the school.”*

6. Accordingly, the school premises were opened, except the third floor of “A” block, which is under lock and seal at the hands of the District Administration. Due to the pendency of the investigation to run the school physically, except the third floor of the “A” block of the school premises, other building premises have been permitted to run. Further, the petitioner was also not permitted to use any other part of the building, including open



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terrace of “A” block, except G+2 floors.

7. As per the above said interim order of this Court, the petitioner is running the school physically, except using the third floor of “A” block and open terrace. The other conditions are duly complied with and without any problem, the petitioner is running the school. Now, the entire investigation has been completed in Crime No. 1 of 2022 by the Investigating Agency and charge sheet was also filed before the concerned Court. Though the trial Court has not taken cognizance of the offence(s) so far, it is not an impediment for the respondents to permit the petitioner to use the third floor of “A” block and open terrace of “A” block to run the school.

8. In fact, the victim filed a protest petition as against the charge sheet filed by the Investigating Officer and it is pending and as such, the trial Court did not take cognizance on the file of the report filed by the Investigating Agency so far. Therefore, use of the entire premises of school physically, would not affect any part of investigation/trial of criminal case, which is the school and its teachers are facing.



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9. In view of the above discussion, the petitioner is permitted to use the entire block of “A” and its open terrace, physically to run the School. The second respondent/District Collector is directed to remove the lock and seal of the third floor of “A” block and permit the petitioner to use it to run the School.

10. In the result, this Writ Petition is allowed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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To

1. The Principal Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai – 600 009.
2. The District Collector,
Kallakurichi District.



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3. The District Education Officer,
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G.K.ILANTHIRAIYAN, J.

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