



W.P.(MD)No.19214 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.19214 of 2019

and

W.M.P.(MD)No.15591 of 2019

Siva Vijayakumar

... Petitioner

/Vs./

1. The Secretary to Government
School Education Department,
Secretariat, Chennai.
2. The Director
School Education Department,
College Road, Chennai.
3. The Chief Educational Officer,
Tallakulam, Chinna Chokkikulam,
Madurai-2.
4. The District Educational Officer,
Alagar Kovil Road, Tallakulam,
Near Post Office, Madurai.
5. The Correspondent
Ayiravaisiyar Boys Hr.Sec.School,
(Velliyambalam School),
South Chithirai Street,
Madurai.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.10,00,000/- as compensation to the petitioner's son for the fracture injury sustained by him on 20/06/2019 in the fifth respondent's school namely Ayiravaisiyar Boys Hr.Sec.School (Velliyambalam School), South Chithirai Street, Madurai Town, Madurai.

For Petitioner : Mr.G.D.Manikandan

For Respondents : Mr.M.Senthil Ayyanar

Government Advocate for R1 to 4

: Mr.M.Ponniah for R5

ORDER

This Writ Petition has been filed seeking for a direction, directing the respondents to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) as compensation for the injuries sustained by him due to fell of stair case of the School.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner's son aged about 17 years, while he was studying in 11th standard in the fifth respondent's School, on 20.06.2019, he was



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stepping into the footsteps to reach his class room situated in first floor, the foot step got collapsed and fell down. Due to which, three students including the petitioner's son fell down and sustained injuries. The petitioner's son sustained fracture and bleeding injuries and immediately, he was taken to Government Rajaji Hospital, Madurai., he was treated and thereafter, the petitioner's son got discharged.

4. On perusal of the counter and F.I.R and other documents, it revealed that there was no collapse of staircase. When the petitioner's son went to Palcony and attempted to plugging fruits, he fell down and as such, he sustained injuries. The staircase of the fifth respondent School is in tact. Due to the falling down, the petitioner's son got fracture and there is no permanent disability. That apart, the petitioner's son was treated in the Government Hospital. However, insofar as the mental agony and pain and sufferings, already the first respondent had paid a sum of Rs.50,000/- (Rupees Fifty Thousand only) as compensation to the petitioner. Now, the fifth respondent School give with the compensation of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft in favour of the petitioner. However, the learned counsel for the



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petitioner did not agree to receive the said compensation, on instructions from the petitioner.

5. In view of the above, the compensation sought for by the petitioner cannot be granted and since it is involved mixed question of facts, it cannot be gone into in this Writ Petition under Article 226 of the Constitution of India.

6. In view of the above, this Writ Petition is liable to be dismissed and accordingly, dismissed. The petitioner is at liberty to file a civil suit in the manner known to law, seeking compensation. No costs. Consequently, connected Miscellaneous Petition is closed.

02.12.2024

Internet : Yes/No
NCC : Yes / No
Index : Yes/No
LS



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G.K.ILANTHIRAIYAN, J.

LS

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