



W.P(MD)No.15222 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.15222 of 2015

and

M.P(MD)No.1 of 2015

Pandiyammal

... Petitioner

Vs.

- 1.The State represented by
The Principal Secretary,
School Education Department,
Secretariat,
Fort St.George,
Chennai.
- 2.The District Collector,
Office of the District Collector,
Madurai District.
- 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thallakulam,
Madurai.
- 4.The Correspondent,
Deti Metric Higher Secondary School,
Aalampatti,
Thirumangalam Taluk,
Madurai District.

... Respondents



W.P(MD)No.15222 of 2015

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay adequate compensation for the death of petitioner's son by name Sanjay Kannan aged 14 years and Sankarapandi who died along with her son after they make failed in 9th standard and discriminated in the fourth respondent School and consequently to direct the respondent No 1, 2 and 3 to take appropriate action for the death of petitioner's son by name Sanjay Kannan aged 14 years and on Sankarapandi within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.V.Om Prakash
Government Advocate
for R.1 to R.3

Mr.S.Anwar Sameem
for R.4

ORDER

The prayer sought for in the writ petition seeking for compensation for the death of the petitioner's son and one other and also with consequential prayer to take appropriate action against the fourth respondent School.

2. The petitioner had made a representation dated 26.06.2015 to the respondents herein by enclosing some paper clippings. The Hon'ble Division Bench of this Court in a similar case had held that for the relief



W.P(MD)No.15222 of 2015

of compensation, orders could not be passed exercising powers under Article 226 of the Constitution of India and the parties are liberty to work out their remedy in the manner known to law.

3. In view of the categorical statement of the Hon'ble Division Bench of this Court, claim for compensation cannot be entertained by this Court for which the petitioner is at liberty to approach the appropriate civil Court seeking remedy for the grievance. If the petitioner approaches the civil Court in the manner known to law, the period of pendency of the writ petition shall be excluded while calculating the period of limitation.

4. As against the consequential direction, the petitioner had already made a representation to the respondents, there shall be a direction to the third respondent herein to consider the representation of the petitioner dated 26.06.2015 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. However after offering an opportunity to the fourth respondent and the petitioner herein.



W.P(MD)No.15222 of 2015

5. This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

- 1.The Principal Secretary,
School Education Department,
Secretariat,
Fort St.George,
Chennai.
- 2.The District Collector,
Office of the District Collector,
Madurai District.
- 3.The Chief Educational Officer,
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W.P(MD)No.15222 of 2015

K.KUMARESH BABU, J.

MGA

W.P(MD)No.15222 of 2015
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25.11.2024