



W.P(MD)No.5915 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.5915 of 2018

and

W.M.P(MD)Nos.5794, 5795 of 2018 & 1780 of 2020

Meharunisha

..Petitioner

Vs

1.State Of Tamilnadu Rep.By
The Principal Secretary,
Health And Family Welfare Department,
Fort.St.George, Chennai-600 009.

2. State Of Tamilnadu Rep.By
The Principal Secretary,
Higher Education Department ,
Fort.St.George, Chennai-600 009.

3. The Director,
Directorate Of Technical Education,
53, Sardar Patel Road,
Guindy, Chennai-600 025.

4. The Principal,
Surabi Group Of Colleges,
Pappanam Patty(po),
Periyamallanam Patty(via),
Dindigul-624 622.



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5. The Managing Director,
Gold Point A/c Company, Pushpa Nagar,
Nungampakkam, Chennai-600 034.

6. The Dean,
Rajive Gandhi Government Hospital,
Central(park Town), Chennai-600 003.

7. The Correspondent,
Surabi Group Of Colleges, Pappanam Patty(po),
Periyamallanam Patty(via), Dindigul-624 622.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to pay fair and reasonable amount of compensation to the petitioner's son by name, Mohamed Faizal, aged 16 years, for the grievous injuries caused to him while he studying at Respondent No.4, 5 and 7, and to direct the respondents to provide best treatment by specialist doctors to the petitioner's son till his recovery, consequently pleased to direct the Respondent Nos.2 and 3 to take action against the respondent no.4, 5 and 7 officials who are responsible for the grievous injuries caused against the petitioner's son within the time stipulated by this Court.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.T.Amjadkhan
Govt. Advocate (for R1 to R3 & R6)

Mr.D.Selvaraj (for R4 and R7)



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ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to pay compensation for the injuries sustained by the petitioner's son, Mohamed Faizal, aged 16 years, during his internship with respondents 4 to 6, and further directing respondents 2 and 3 to take appropriate action against respondents 4, 5, and 7.

2. It is the contention of the petitioner that she is a daily wage worker and that her son, Mohamed Faizal, was aged 16 years at the time of filing the writ petition. He was pursuing the course of A.C. Mechanic Engineering during the academic years 2016–2018 at the college run by the respondents 3 and 4. The petitioner's son had successfully completed the first year, and during the second year, the respondents 4 and 7 deputed him to the fifth respondent company for practical training. On 04.07.2017, at about 5.00 p.m., the officials of the fourth respondent directed the petitioner's son to install an air-conditioner unit outside a window on the third floor of an apartment building, without providing proper safety equipment and without adopting any precautionary measures. Though the petitioner's son initially declined to undertake the work, the fourth respondent compelled him by threatening that, if he refused, he would not be awarded practical marks. Consequently, he was forced to comply with the instructions. While

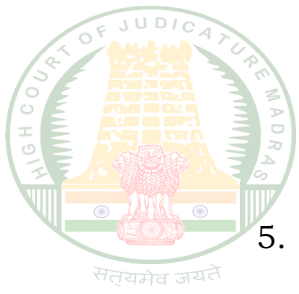


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attempting to carry out the work, the concrete slab on which he was standing collapsed, causing him to fall into a pit from a height of more than 40 feet. As a result, the petitioner's son sustained grievous injuries all over his body. He was immediately taken to Mehta Private Hospital, Chetpet, for first aid, and thereafter shifted to Rajiv Gandhi Government Hospital, Chennai, for further and better treatment.

3. The petitioner further submits that, upon receiving information from the officials of the fourth respondent, she rushed to the hospital, where the doctors informed her that her son was in a critical condition and that his internal organs and bones had sustained severe damage. Thereafter, the Chetpet Police officials recorded the statement of the petitioner's son, but no further action was initiated.

4. The petitioner also submits that Section 14 of the Apprentices Act, 1961, deals with the health, safety, and welfare of apprentices. It provides that where apprentices undergo training in a factory, the provisions of Chapters III, IV, and V of the Factories Act, 1948, shall apply to them as if they were workers within the meaning of that Act. Similarly, when apprentices undergo training in a mine, the provisions of Chapter V of the Mines Act, 1952, shall apply to them as if they were persons employed in the mine.



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5. The petitioner further relies on Section 16 of the Apprentices Act, 1961, which prescribes the employer's liability to pay compensation in the event of injury to an apprentice. The petitioner submits that these provisions make it clear that the respondents are liable to compensate her son for the injuries sustained.

6. The petitioner also states that she submitted a representation on 21.07.2017 to the respondents, requesting them to constitute a special team of doctors with specialists to provide better treatment for her son, to pay adequate compensation to her family, and to initiate action against the highly negligent conduct of the officials of the respondents 4, 5, and 7. However, no action was taken on her representation. Hence, the petitioner contends that the respondents are liable to pay compensation to her son for the grievous injuries suffered during the course of training.

7. When the matter was taken up for hearing on 03.09.2025, this Court directed the petitioner to address arguments on the maintainability of the writ petition, since the relief sought is primarily against the fourth respondent, which is a private institution and not discharging any public duty. At that stage, the petitioner sought time to make her submissions.

8. When the matter was taken up for hearing today, the learned counsel for the respondents submitted that any claim for compensation



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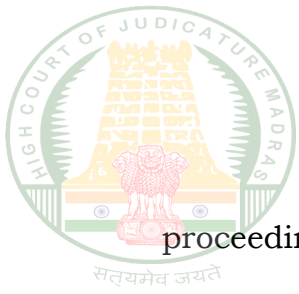
against the fourth respondent, if directed to be pursued under the provisions of the Act, would now be hopelessly barred by limitation. With regard to the issue of maintainability of the writ petition, it was further submitted that no substantial arguments have been advanced on behalf of the petitioner.

9. Heard the learned counsels appearing on either side.

10. Admittedly, the relief sought in the present writ petition is directed only against the fourth respondent, a private college. The petitioner has not established as to how the other respondents can be held liable for payment of the compensation claimed. If at all the petitioner is entitled to any relief, the proper course would have been to initiate proceedings for compensation either under the provisions of the Apprentices Act, 1961, or under the Employees' Compensation Act, 1923, as against the fourth respondent.

11. The other respondents are in no way responsible either for the occurrence of the accident or for the liability to pay compensation to the petitioner. Therefore, this writ petition, filed as against a private respondent, is not maintainable and is liable to be dismissed.

12. Accordingly, the writ petition stands dismissed. However, liberty is granted to the petitioner to workout her remedy by initiating appropriate



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proceedings before the competent forum, if so advised. It is made clear that the period during which the present writ petition remained pending shall be taken into account while considering the question of limitation. No costs. Consequently, connected miscellaneous petitions are closed.

10.09.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To
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