

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 03.11.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.7429 of 2018**  
**and**  
**W.M.P.No.9225 of 2018**

K.Kala

... Petitioner

Vs.

- 1.The Secretary,  
Educational Department,  
Secretariat,  
Fort St. George,  
Chennai – 600 009.
- 2.The Secretary,  
State of Tamil Nadu,  
Public Department,  
Secretariat,  
Fort St. George,  
Chennai – 600 009.
- 3.The Chief Educational Officer,  
Department of School Education,  
Peyton Road,  
Ooty,  
Nilgiris District.
- 4.Robert

5.The Station House Officer or the Inspector (In-charge),  
Devala Police Station,  
Gudalur,  
Nilgiris District.

6.The Revenue Divisional Officer / Executive Magistrate,  
Udhagamandalam,  
Nilgiris District.

7.Mr.K.Pichaiyappan,  
The then Chief Educational Officer,  
Udhagamandalam,  
Nilgiris District.

... Respondents

[R5 to R7 suo-motu impleaded vide order  
dated 02.08.2022 in W.P.No.7429 of 2018]

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3<sup>rd</sup> respondent to initiate disciplinary action against the 4<sup>th</sup> respondent and consequently direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to pay a sum of Rs.1000000 (Ten Lakhs) compensation to the petitioner.

For Petitioner	: Ms.M.Sreela For Mr.R.Diwakaran
For R1 & R3	: Mrs.S.Mythreye Chandru Special Government Pleader
For R2 & R5	: Mrs.P.Rajarajeswari Government Advocate
For R4	: Dr.G.Babu
For R6	: Mr.R.P.Murugan Raja Government Advocate

## **ORDER**

The Writ of Mandamus has been filed to direct the 3<sup>rd</sup> respondent to initiate disciplinary action against the 4<sup>th</sup> respondent and consequently, direct the respondents 1 and 2 respondents to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs) compensation to the writ petitioner.

2. The petitioner states that herself and her husband are daily wage workers and she has two daughters and one son. Her son Yuvaraj, aged about 17 years was studying in Gudalur Government Higher Secondary School in 12<sup>th</sup> Standard. Her son was tortured and harassed by the School Headmaster / 4<sup>th</sup> respondent. The 4<sup>th</sup> respondent used to cut the hair of the boys in public, tear the trousers of her son and other boys by using the blade and beat the children ruthlessly and abuse them using filthy language. The petitioner states that her son was also subjected to such ill-treatment and on account of such continuous behaviour of the 4<sup>th</sup> respondent, the son of the petitioner committed suicide.

3. The petitioner has narrated various incidents in the affidavit filed in support of the writ petition to establish that the 4<sup>th</sup> respondent has harassed

the students studying in the School. The other students informed the petitioner that the Headmaster used to humiliate all the children and kept torturing the children inside the School. In respect of the suicide of the son of the petitioner, the Police registered a case in Crime No.533 of 2017 on 30.08.2017 under Section 174 Cr.P.C.

4. The grievance of the petitioner was that the Police had not proceeded with the investigation. No enquiry was conducted properly. The 4<sup>th</sup> respondent continued his activities in the school. Thus, the petitioner is constrained to move the present writ petition.

5. The learned counsel for the petitioner mainly contended that the 4<sup>th</sup> respondent has committed an act of violation of the Right to Life of the son of the petitioner, who had committed suicide. The Right of Children even under the United Nations Conventions on Right to Child (UNCRC) has to be protected and if the 4<sup>th</sup> respondent is allowed to continue such activities, it would cause irreparable loss to the students community and therefore, appropriate actions are to be initiated against the 4<sup>th</sup> respondent.

6. The learned counsel for the petitioner contended that Section 17 of the Right to Free and Compulsory Education Act, 2009 prohibits any kind of physical or mental harassment to a child in a school. It contemplates disciplinary action against a person, who violates the provision. Despite the said rules, the 3<sup>rd</sup> respondent has not initiated any action against the 4<sup>th</sup> respondent. Thus, the writ petition is to be considered.

7. The learned Special Government Pleader appearing on behalf of the official respondents 1 and 3 objected the said contentions raised on behalf of the writ petitioner by stating that the allegations raised by the petitioner are verified with the 4<sup>th</sup> respondent / Headmaster and on enquiry, they found that the 4<sup>th</sup> respondent / Headmaster used to maintain discipline amongst the children in the School. If any child failed to cut their hair, he used to pay from his pocket and asked them to cut the hair. At the outset, enquiry revealed that the 4<sup>th</sup> respondent maintained discipline in the School and consequently, the pass percentage in the School was increased from 45% to 90% during his tenure as Headmaster. The authorities conducted an elaborate enquiry pursuant to the orders of the Director of School Education, Chennai. The enquiry report submitted by the District

Educational Officer, Gudalur on 09.09.2017 revealed that the allegations raised by the petitioner are incorrect.

8. The learned Special Government Pleader appearing on behalf of the respondents 1 and 3 contended that the petitioner's son joined in the Government Higher Secondary School, Gudalur, Nilgiris District in the 11<sup>th</sup> Standard class for the Academic Year 2016-2017. The Chief Educational Officer, also conducted an enquiry and given his enquiry report. As per the said report, on 30.08.2017, the son of the petitioner did not come to school and he was irregular in attending the School. The Headmaster conducted special classes for 11<sup>th</sup> and 12<sup>th</sup> standard and gave better coaching to the students for achieving optimum results.

9. The 4<sup>th</sup> respondent filed a counter affidavit, denying the allegations. The learned counsel for the 4<sup>th</sup> respondent has stated that the allegations are false and flimsy. In order to grab money, the petitioner has created unnecessary issues by blaming the Headmaster, who was no way connected with the suicide of the son of the writ petitioner. The deceased student Yuvaraj was irregular in attending the class. He was absent on many

occasions and during the relevant point of time, he did not attend the School from 22.08.2017 to 30.08.2017 and he attended the class for only 9 days in the entire month of August 2017. He was not interested in attending the School on regular basis. Even in the month of June, he attended School only 13 days and in the month of July, he attended the School for 16 days. Both the Department and the Police officials conducted an investigation and found that the allegations raised by the petitioner are false and far beyond the truth. Therefore, the writ petition is to be rejected.

10. Considering the arguments as advanced between the respective learned counsels appearing on behalf of the parties to the *lis*, this Court has to consider whether the allegations set out by the petitioner against the 4<sup>th</sup> respondent are established or not.

11. In this regard, it is relevant to consider that the District Education Officer, Gudalur and Chief Education Officer, Nilgiris District and the jurisdictional Police conducted separate enquiry and investigations by examining the other students, teachers and the local people. The District Education Officer submitted a report, stating that the 4<sup>th</sup> respondent /

Headmaster is not responsible for commission of suicide of the student namely Yuvaraj. The Chief Education Officer also found that the deceased student was irregular in attending the classes and the Headmaster used to maintain discipline inside the School. He took additional efforts to provide better coaching to the students to achieve best results in the public examinations. The Police investigation also revealed that the allegations raised by the petitioner are false and the 4<sup>th</sup> respondent is no way connected with the suicide of the deceased boy Yuvaraj.

12. The practice of defaming the Headmasters and Teachers in general at all circumstances cannot be accepted. Teachers and Headmasters are liable only if their misconduct, misbehaviour or otherwise are established through sufficient evidences. If any Teacher or Headmaster imposed a corporal punishment, which is prohibited by the Education Department guidelines, then alone the Teachers or Headmasters shall be prosecuted and not otherwise. For each and every act of students in a School, the Teacher or Headmaster cannot be blamed. Whenever a case of suicide is found, the parents are not expected to blame the Teachers and Headmasters alone in the absence of any evidences. General blaming or



causing dis-reputation would affect the image of the School and cause prejudice to the interest of the other children studying in the very same School. Causing dis-reputation may be an easy way out, but maintenance of discipline in Government Schools and achieving good results are difficult tasks. Therefore, the allegations if any are to be established beyond any pale of doubt through acceptable evidences.

13. As far as the Department of School Education is concerned, they have already sent circular to all the Government Schools, regarding the maintenance of discipline and how the Teachers should behave and how to educate the students in a better manner and maintain discipline amongst the children studying in the Schools. The guidelines issued by the Department in this regard are to be scrupulously followed and in the present case, the report of the Chief Educational Officer, District Educational Officer reveals that the 4<sup>th</sup> respondent / Headmaster worked hard to achieve better results in the School and he has maintained the discipline in the School, only for the betterment of the children studying in the School and to mould them as a good citizen. Such an effort if discouraged, then the Teachers and the Headmasters will not be in a position perform their duties with devotion.

Such Headmasters, who maintain discipline and work hard to achieve better results are to be appreciated and their good works are to be recognised both by the parents and by the public at large.

14. While causing dis-reputation to the School and the Headmasters / Teachers working in the School, the parents must remember that they have got duties and responsibilities towards their own children. The duties of the parents co-exists with the Teachers.

15. In the present case, a thorough enquiry was conducted by the District Educational Officer, who in turn, submitted a report holding that the allegations raised by the petitioners are false. The Police investigation also reveals that the 4<sup>th</sup> respondent is not liable for prosecution.

16. Under these circumstances, let us examine the duties and responsibilities of the parents and the possibility of they committing an act of abetment driving their own children to commit suicide or behave in an indifferent manner in the society.

17. Article 51A(k) emphasizes the Fundamental Duties of the Parents as *“It shall be the duty of every citizen of India, who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.”*

18. Parents are natural guardian. Teachers are the custodian of the children, while they are attending the school. The role of the parents both inside the house and in the society in general are pivotal and plays an important role in shaping their own children. Parents are expected to be the watchdog regarding the activities of their own children both inside the house and outside the house. The well being of the children at all circumstances are to be protected, since the Right of the Child as per the United Nation Conventions i.e., Life, survival and development, protection from violence, abuse and neglect, an education that enables children to fulfil their potential, being raised by or having a relationship with their parents, express their opinions are ensured.

19. The physical and mental health of the children are to be consistently monitored by the parents too, and the duties of the parents

under the Indian Constitution are also to be borne in mind. In a School, large number of children are studying. One teacher has to take care of number of students in a classroom. Thus, he / she may not be in a position to assess the mental health of every child attending the School. The overall monitoring may be possible and therefore, the mental health of a child must be always protected by the parents at the first instance.

20. Duty cast upon the parents to create a good environment both inside the house and outside the house to the children are paramount important. The Teachers and Headmasters may be blamed only if there is an evidence to establish that such Teachers or Headmasters have committed any offence or violated the code of conduct issued by the Department of School Education. Attempt to commit suicide and succeeding in the said attempt by the children are in growing trend across the country. Therefore, it is the duty of the parents as well as the teachers to ascertain the reasons and perform their respective duties as expected and create a conducive circumstances for providing better future to the children. Who is responsible for the commission of suicide by the child, is the subjective satisfaction to be established by conducting an elaborate enquiry or investigation. Thus,

simply blaming the Headmasters or Teachers would result in causing dis-reputation to the Institution, which is not desirable.

21. In respect of the writ petition on hand, both the School Education Department authorities and the Police authorities conducted elaborate enquiry and investigation and submitted their respective reports, holding that the 4<sup>th</sup> respondent is not liable for any prosecution and further, the 4<sup>th</sup> respondent is not responsible for the commission of suicide by the deceased boy Yuvaraj. Thus, the 4<sup>th</sup> respondent / Headmaster has been unnecessarily dragged and made to suffer without any valid reason.

22. Under these circumstances, this Court is of an opinion that the case on hand is a fit case, where cost is to be imposed, but considering the family circumstances and noting the fact that son of the petitioner committed suicide, a lenient view is taken.

23. For all the reasons stated in the aforementioned paragraphs, the petitioner has not established any acceptable reason for the purpose of considering the relief.

24. Accordingly, the Writ Petition stands dismissed. No costs.  
Consequently, connected Miscellaneous Petition is closed.

**03.11.2022**

Jeni/Kak  
Index : Yes  
Speaking order

To

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**S.M.SUBRAMANIAM, J.**

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