
(2022) 09 OHC CK 0129
In the Orissa High Court
Case No : Writ Petition (C) No.16845 of 2012

Jaladhar Jena

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 22-09-2022

Acts Referred:

Citation : (2022) 09 OHC CK 0129

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : A. Sahoo, C.K. Pradhan

Judgement

Arindam Sinha, J

1. Mr. Sahoo, learned advocate appears on behalf of petitioner, who lost his school going son. He submits, the boy suffered injury. He refers to information obtained by writing dated 19th June, 2012 on query made under Right to Information Act, 2005, disclosed under annexure-3 at page-10. Treatment status stated therein is extracted and reproduced below.

"The laceration of up lip was stitched by Bhakta Charan Sahoo and treated with required medicines. The prescription has been handed over to the attendant of patient. The treatment hours in P.H.C(N), Konara is approximately 1 ½ hours. The patient was then referred to Capital Hospital, BBSR due to headache for CT scan."

He submits, the scan was not made. There was, therefore, negligence on part of the school.

2. Mr. Sahoo relies on judgment dated 11th August, 2022 by the first Division Bench of this Court in Writ Petition (Civil) no.7584 of 2014 (Madhav Soren v. State of Odisha and others) and order dated 10th May, 2022 of this Bench in W.P. (C) no.20443 of 2012 (Sanjay Kumar Mohanty and another v. State of Odisha and others), wherein order dated 30th September, 2021 also made by the first

Division Bench of this Court in W.P.(C) no.24882 of 2012 (Jambeswar Naik and another v. State of Odisha and others) was relied upon. In all the cases regarding death of school children, compensation awarded was Rs.10 lakhs.

3. Mr. Pradhan, learned advocate, Senior Panel Counsel appears on behalf of the school and submits, the school by its Finance Committee, resolved on 30th June, 2009, inter alia, to pay ex-gratia to bereaved parents of deceased student at Rs.50,000/-. The compensation was not taken by petitioner.

4. Mr. Pradhan submits there is no negligence on part of the school. In the playground, cricket bat slipped out of hands of a student, who was batting and hit the deceased child. It was an accident. He, however, prays for adjournment to obtain instruction and submit.

5. In the cases relied upon on behalf of petitioner, the victim children had died. State was directed to pay compensation. Here the school is under the Central Government. Adjournment is granted for the school to consider its position and issue instructions.

6. List on 11th October, 2022 under same heading.

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