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**(2012) 09 NCDRC CK 0081**

**In the National Consumer Disputes Redressal Commission**

Narayana Educational Institution

APPELLANT

Vs

T.R. Anjaneyulu

RESPONDENT

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**Date of Decision :** 07-09-2012

**Acts Referred:**

**Citation :** 2012 0 NCDRC 527

**Hon'ble Judges :** J.M.Malik , Vinay Kumar J.

**Advocate :** K.Radha

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**Judgement**

1. THE petitioners/opposite parties run an Educational Institution under the name and style of "Narayana Educational Institution " in the State of Andhra Pradesh. THE complainants/respondents are the parents of Kumari T. Sravanthi, who lost her life while taking education in the said Junior College. On 18.12.2007, at about 5.00PM, Kumari Sravanthy started shivering. THE Opposite Parties Nos. 3 and 4, Lakkireddy Peter Chandrashekar Reddy and K. Chandra Shekhar, respectively, instead of taking the complainants " daughter to the nearby hospital, kept a magnate in her fist, thinking that she was suffering from epilepsy. THEy did not inform the complainants, the parents of deceased Kumari Sravanthy about her condition, immediately. Her classmates shifted Kumari Sravanthy to the Apollo Hospital, where she was declared "brought dead ".

2. SH. T.R. Anjaneyulu, the complainant No.1 received a phone call from Narayana Junior College, wherein he was asked to take back his daughter. He was also asked to go to Apollo Hospital where his daughter was taken to. Thereafter, a report was lodged by complainant No.1 with the Police Station, Osmania University. The case is still pending before the IV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. It is alleged that the daughter of the complainant died due to negligence of the Opposite Parties. The news of her death was given wide coverage by the Press.

A complaint was filed before the District Forum. The District Forum awarded an amount of Rs.3,27,000/- in favour of the complainants. Both the parties preferred separate appeals before the State Commission. The State Commission

dismissed the appeals filed by both the parties and retained the order of the District Forum. The State Commission also dismissed the appeal for enhancement of compensation.

3. BEFORE us, the present revision petition has been filed by the Opposite Parties only. We have heard the learned counsel for the petitioners. She invited our attention towards the fact that the State Commission held that it was obligatory on the part of the Opposite Parties to keep a Supervisor(Medical Attendant) for their students who are "day-scholars ". But this fact was refuted by the State Commission which went on to hold :- "5. We accept the contention of the learned counsel for the opposite parties that a Corporate College is not obligated by law to appoint and maintain a doctor to supervise medical attention of its students with reference to the day-scholars. At the same time, it should not be forgotten that it is obligation on the part of the opposite parties to bestow their attention on their students who was fighting for her life and instead of shifting the student to the nearby Apollo hospital, the staff of the opposite parties wasted much precious time where though it cannot be said if Sravanthi was shifted to the Apollo Hospital immediately when she was collapsed in the lap of her classmate in the class room, her life could have been saved, it can be definitely said that there was a large extent of scope for saving her life was in jeopardy by the attitude of the opposite parties and their staff ".

4. THERE is not even an iota of evidence to show that the Opposite Parties took the girl to the hospital immediately. It is an admitted fact that a magnate in the fist of the student was placed. The Doctor was not called immediately. THERE was delay in shifting the student to the hospital. If the College did not have any Medical Attendant in the Institution itself, it should have made arrangements with a Doctor outside the Institution who should have been at their beck and call. The College authorities were insensitive to the gravity of the situation. They should have taken the girl immediately to the hospital. That is why it is said "A Stitch In Time, Saves Nine ". Both the parties admit that at 5.40PM, on 18.12.2007, the Lecturer was taking the class and no sooner the class had begun, the complainants " daughter fell down biting her teeth, with "froth " coming out from her mouth. The Lecturer and the fellow-students thought it was a bout of fits and carried her out of the classroom. Kumari Sravanthi was placed on a bench outside the classroom and the Section Incharge was informed who immediately intimated the same to the complainant No.1, the father of the student, over phone. The College authorities thought that she was attacked with fits and her classmates rushed to the Physics Lab which is adjacent to the classroom and brought a magnet which they kept in her hand as it is the most common thing done under such a situation. Thereafter, her classmates and Section Incharge, sprinkled water on her face and rendered all the best help/ facilities to Kumari Sravanthi to ease her condition. Thereafter, her condition became worse. The matter was brought to the notice of the Principal. He immediately directed them to take the student to the Apollo Hospital. They reached there at about 6.15 PM. But she was "brought dead " in the hospital. The

Opposite Parties should have acted promptly and taken the child to the Hospital without any delay. The Post Mortem shows that she was suffering from "Acute Coronary Insufficiency ". There is no reason to interfere with the finding given by the State Commission. The Revision Petition is without merit and the same is, therefore, dismissed.