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**Farida and Another Vs. Govt. of N.C.T. of Delhi and ors.**

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**SooperKanoon Citation** : sooperkanoon.com/683578

**Court** : Delhi

**Decided On :** Aug-05-1999

**Reported in** : 1999VAD(Delhi)230; 81(1999)DLT119; (1999)123PLR20

**Judge** : Anil Dev Singh and; R.S. Sodhi, JJ.

**Acts** : Constitution of India - Article 226

**Appeal No.** : Criminal Writ Petition No. 720 of 1999

**Appellant** : Farida and Another

**Respondent** : Govt. of N.C.T. of Delhi and ors.

**Advocate for Def.** : Ms. Amita Gupta and ; Mr. B.T. Singh, Advs.

**Advocate for Pet/Ap.** : Mr. Ashok Aggarwal,; Ms. Kusum Sharma and; Ms. Ritu Jain

**Judgement** :
ORDER

Crl. W.No. 720/99.

1.Issue notice to the respondents to show cause why the petition be not admitted, returnable on 26th October, 1999.

2. Mr. B.T. Singh accepts notice on behalf of respondents 1 & 3.

3. Learned counsel for the petitioner points out that it is an established fact that on February 5, 1999. Ms. Mehnaz, a girl student of Govt. Girls Senior Secondary School, Brahmpuri, Delhi, was shot in the school, during school hours, as a result of which she later died in the hospital.

4. We have perused the FIR (pages 19-21 of the court record) according to which the incident took place inside the school. We have also perused the letter dated May 4,1999 of the Deputy Director of Education, District (North-East), Directorate of Education, Delhi (page 41 of the writ petition) to the S.H.O., Seelampur, Delhi, which also states that the shooting incident took place in the school premises. This letter insofar as it is relevant reads as follows :-

'This has reference to the murder of Mehnaz Praveen took place on 5th Feb., 1999 in the premises of G.G.S.S.S. Brahampuri.

The miscreants were caught red handed on the spot and handed over to the police then and there. There was serious mass reaction in the locality in view of insecurity of Girls.....

5. It prima facie seems to us that since the girl student was shot inside the aforesaid Government school, the State Government ought to have immediately given ex gratia monetary relief to the parents of the slain girl. But this has not been done despite a lapse of more than five months. The State must by its acts show that it cares for its citizens and values life. Since the State Government has failed to accord immediate relief to the parents of the girl, we are of the opinion that the parents of the deceased girl child, who was in the custody of the school at the time of the incident, must be given ad interim ex gratia payment as it was the bounden duty of the State to protect her while she was at the school.

6. Our attention has been drawn to the letters of Nagrik Kalyan Samiti to the S.H.O., Police Station Seelam Pur, and the D.C.P., North-East District, Seelampur, Delhi, apprising them of the harassment to which the girl students of the aforesaid school were being subjected by anti-social elements who were converging on the school. The letter also requested them to pro-vide a police picket near the school. It prima facie appears to us that despite the requests

security was not provided otherwise such an incident could not have taken place in the school. Such disregard for the security of the girl students negates Article 21 of the Constitution.

7. Since the State prima facie failed to discharge its duty, we are of the opinion that the petitioners, parents of the minor child, should, as an interim measure, be paid a sum of Rs. 50,000/- by the N.C.T. of Delhi within four weeks. Ordered accordingly.

8. Reply shall be filed within two weeks.

9. List the matter on 26 October, 1999.

10. Copy of this order be given dusty to both the parties.

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