

Farida and anr. Vs. Govt. of N.C.T. of Delhi and ors.

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Court : Delhi

Decided On : Dec-11-2001

Reported in : 97(2002)DLT229; 2002(63)DRJ524

Judge : Devinder Gupta and; M.A. Khan, JJ.

Acts : Constituion of India - Article 226

Appeal No. : Crl. W. No. 720 of 1999

Appellant : Farida and anr.

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

Advocate for Def. : Mukta Gupta, Adv.; Avinish Ahlawat, Adv.

Advocate for Pet/Ap. : Ashok Aggarwal, Adv

Judgement :

ORDER

1. This petition was instituted on 2nd August, 1999 by the parents of deceased Mehnaz seeking directions against respondents alleging that the death of Mehnaz was as a result of the shoot out incident on 5.2.1999 within the premises of Government Girls Senior Secondary School, Brahm Puri, Delhi. It was alleged that the incident was due to the negligence on the part of respondent No. 1 to provide adequate security to the school children. Consequently directions were

sought against respondents to take adequate security measures in all schools run by respondent Nos. 1 and 3 in the National Capital Territory of Delhi and particularly for the students when they are in the school premises during school hours. Another direction was sought against respondent No. 4 to take steps to provide more police assistance wherever necessary, particularly near the schools areas.

2. After notice to the respondents and considering the reply the Court prima facie concluded that respondent No. 1 had failed to discharge its obligation in not providing adequate security to the school children and accordingly directed that the petitioners, who are the parents of the child, who died in the shoot incident be paid a sum of Rs. 50,000/- towards damages by way of interim measure only. Pursuant to the said order the said amount of Rs. 50,000/- was paid to the petitioners. After the amount had been paid the Bench proceeded to deal with the other questions raised in the petition. In the last affidavit filed by the Joint Director of Education N.C.T. of Delhi in addition to reiterating the earlier stand taken in the affidavit of the Joint Director of Education enclosing therewith reports of Education Officer about the scrutiny conditions in the schools which were not having boundary walls etc., it was pointed out that about 1027 schools are run by the Education Department in single/double shift. Out of these 357 in pucca buildings 251 in semi pucca buildings, 90 schools are in tin shed with tin shed boundary walls. Affidavit further stated that some deficiencies have been noticed in some of the schools out of which 11 are in part/MCD premises or the land which is not allotted to the Director of Education. We need not go in further details of what is stated in the affidavit, since we are informed that the question raised by the petitioner in this petition about condition of schools a subject matter in Writ Petition No. 5325/97 titled All India Lawyers Union v. MCD and Ors., which is pending consideration in this Court. Thus we are not inclined to pass any further directions in this petition, except by making it clear that the compensation paid to the petitioners by order dated 5th August, 1999 is only by way of interim measure. The petitioners are at liberty to have redressal of their grievance in accordance with law in appropriate proceedings.

3. With the observations aforementioned, the petition stands disposed of.

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