

[Kallakurichi Student Death | Madras High Court Permits School Re-Opening For Classes 9-12 On Trial Basis](#)

**2022 LiveLaw (Mad) 488**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**R. SURESH KUMAR; J.**

W.P.No.28601 of 2022; 30-11-2022

**Latha Educational Society Kaniyamoor *versus* State of Tamil Nadu**

**ORDER**

The prayer sought for in this writ petition is for a writ of mandamus directing the second respondent to consider the petitioner's representation dated 19.10.2022 and permit regular physical functioning of classes for the petitioner's school students at its premises at Kaniyamoor, Chinnasalem within a specified time frame stipulated by this Court.

2. The petitioner is an Educational Society, registered with the Registrar of Society, Kallakurichi under the Tamil Nadu Societies Registration Act, 1975, which was formed in the year 1993 and run two schools viz., 1. Sakthi Matriculation Higher Secondary School 2. ECR International School. Both the schools are situated at Kaniyamoor, Kallakurichi District.

3. The ECR International School is a CBSE affiliated school and Sakthi Matriculation Higher Secondary School is affiliated to Tamil Nadu Board of Higher Secondary Education., altogether there were 3500 students studying in both the schools. According to the petitioner, there were about 225 teaching and non-teaching staffs in these two institutions.

4. On 17.07.2022, the schools run by the petitioner's society i.e., both Sakthi Matriculation Higher Secondary School as well as ECR International School buildings and belongings as well as the assets inside the school premises were vandalised and ransacked in the riots following the unfortunate death of one girl student by name R.Srimathi. After the said riot on 17.07.2022, the entry to the school premises was restricted. The labs, furnitures, classrooms, computers, vehicles and several other assets in various blocks of the school campus were deliberately vandalised, ransacked and stolen in the riot and almost nothing was left undamaged in the riot, is the stand of the petitioner in the affidavit filed in support of this writ petition.

5. According to their internal assessment, the quantum of damages caused by the said unlawful violent incident is around Rs.25 Crores.

6. Pursuant to the said riot, the school was closed and entry itself was restricted by the District Administration and the school for some time was under the custody of the District Administration as well as the police people in order maintain the law and order situation in the locality.

7. In this regard, with regard to the death of the girl, the investigation was handed over to CBCID, which had conducted the investigation. In the meanwhile, pursuant to the plea raised by the petitioner, who is the Management of the two schools, to renovate the infrastructure for the purpose of reopening the school, permission was granted by the District Administration and accordingly, the petitioner Management claimed to have renovated the two buildings out of four buildings i.e., block Nos.A & B and after completing the renovation of the blocks A & B, it is the stand of the petitioner Management that the

buildings are ready with necessary infrastructure for occupation of the students, therefore, the petitioner Management can be permitted by the District Administration/State Government to open the school for the benefit of the students, who are hitherto on temporary basis were placed in a nearby Teacher Education Institution, where classes were taken and now the Management of that Institution wanted the premises to be vacated. Only on-line classes hitherto going on for the entire classes including higher standards like IX to XII standards. As they have to face the half-yearly examination, which is slated to be commencing sometime in the middle of December,2022. Therefore, according to the petitioner's Management, it is imminent that permission is to be given by the District Administration by permitting the petitioner's Management to open the schools for physical classes atleast by now so as to save the students, who are pursuing their studies including IX to XII standards. Only at that juncture, the present writ petition had been filed by the petitioner Management seeking such a direction to the second respondent to consider the request of the petitioner's Management dated 19.10.2022.

8. When this writ petition came up for hearing on 28.10.2022, this Court has passed the following interim order:

*“Mr.R.Kumaravel, learned Additional Government Pleader takes notice for the respondents. He seeks a week's time to file a report of the District Collector as to the present status of the petitioner School.*

2. *Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioner School claims that the restoration work has been fully completed and the School is ready to start physical classes for all the standards from 1 to 12. Learned Senior Counsel submits that, at least insofar as the Standards 9 to 12 is concerned, physical classes can be permitted to be commenced.*

3. *Therefore, the District Collector, if need arises, can have one more inspection apart from the inspection already been done by the other officials like Tahsildar and Fire Services Department, and file a status report as to whether the plea raised by the petitioner School can be considered and granted by this Court.*

4. *Post the matter on 04.11.2022.”*

9. Again, when the case came up for hearing on 04.11.2022, the following further order was passed:

*“Mr.R.Kumaravel, learned Additional Government Pleader appearing for the respondents has filed a status report along with certain proceedings dated 03.11.2022. On perusal, this Court finds that, though some inspection has already been done, still certain areas to be found out thoroughly and report to that effect is requested by the District Collector from the team of experts, which has already been constituted by him. Hence, in order to evaluate the same, and to await the report to be filed in this regard, post the matter on 09.11.2022.”*

10. Thereafter, the writ petition was further heard on 09.11.2022, where, after hearing learned counsel appearing for the parties including the learned Additional Advocate General Mr.S.Silambanan, who appeared for the respondents, this Court passed the following order:

*"Pursuant to the earlier orders, today, the District Collector, Kallakurichi District, i.e., the second respondent has filed a status report, dated 08.11.2022, wherein, inter alia, the District Collector has stated that, after having inspected the Institute on 03.11.2022, in order to further inspect by way of a joint inspection consisting of various officials like the Chief Educational Officer, Revenue Divisional Officer, Additional Superintendent of Police, Executive Engineer, PWD (Buildings), Deputy Director of Health Services, District Fire and Safety Officer, District Educational Officer (Private Schools) etc., an inspection committee have been constituted and they were directed to inspect the school and file a satisfactory report.*

2. *The said Committee has inspected the school on 08.11.2022 and the satisfactory report is yet to be received by the District Administration, i.e., the District Collector. Therefore, the District Collector says he awaits for the report.*

3. *Mr.S.Silambanan, learned Additional Advocate General appearing for the respondents also has submitted that, the report is yet to be received of the inspection they conducted on 08.11.2022 and the report would be received and once the report is received within a day or two, based on which, further course of action can be decided and the copy of the report to be received by the District Administration would be filed before this Court on the next hearing date. Hence, the learned Additional Advocate General seeks time till 15.11.2022.*

4. *Post the matter on 15.11.2022 immediately after admission."*

**11.** Pursuant to the said order passed on 09.11.2022, the District Collector, Kallakurichi District has filed a status report dated 14.11.2022. After perusing the said report filed by the District Collector, the following order was passed on 15.11.2022:

*"Pursuant to the order dated 09.11.2022, the District Collector, Kallakurichi District has filed a status report dated 14.11.2022. In the said report, ultimately the District Collector has pointed out the conclusion given by the inspection committee consisting of various officers like Chief Educational Officer, Revenue Divisional Officer, Additional Superintendent of Police, Executive Engineer, PWD, Deputy Director of Health Services, District Fire Officer, District Educational Officer and District Child Protection officer, who had conducted the join inspection on 08.11.2022 as well as on 14.11.2022 and accordingly, they come to the following conclusion:*

**"Conclusion:**

*Based on the inspection and committee meeting conducted on 14.11.2022, the committee comes to the conclusion that the CBSE Buildings that is "A" Block building (G+3 building) and "B" block Building (G+2 building) of the ECR International School has rectified the issues pointed out by the committee."*

2. *Having considered the report filed by the various officials as indicated above, this Court feels that even though two blocks viz., "A" Block building consists of G + 3 floors and "B" Block building consists of G + 2 floors for running two schools viz., Sakthi Matriculation Higher Secondary School and ECR International School are ready, whether the management of the petitioner's school can be permitted to start the physical classes for standards from IX to XII alone as a first measure for a period of one month? And after examining the functioning of the school for one month with these classes on physical mode, whether the further decision to permit the petitioner's management to open physical classes for other standards also can be decided? can be examined.*

3. *That apart, this Court also feels that in view of the unwanted or unpleasant incident taken place some time in July 2022, if at all the school has to open now for physical classes, some hundreds of students may come to school campus, therefore, adequate security from police department is required for the initial period. Therefore, in this regard, adequate police security from the District Superintendent of Police whether can be extended to the school premises on two basis, one is for maintaining the law and order since it is the duty of the State. Another is, by collecting the expenses to be incurred for deploying more security personnel / police people to have the security in the school premises from the school Management, whether such additional security can be provided by the police department also has to be ascertained.*

4. *For these two aspects, both the school management as well as the District Collector and the District Superintendent of Police can make their suggestions/their views before this Court after consultation with the Government, so that a final decision can be taken in the line as indicated above.*

*For the aforesaid purpose, post the matter on 21.11.2022."*

12. Thereafter again the case came up for hearing on 21.11.2022, where the school Management filed a report stating that the school is ready to start physical classes for the entire classes i.e., from L.K.G. To XII standard at both schools and the District Collector filed a report dated 14.11.2022. Considering these reports, this Court on 21.11.2022 passed the following order:

*“Pursuant to the order dated 15.11.2022, the School Management has filed a report stating that the School is ready to start physical classes for the entire class, i.e., from LKG to XII<sup>th</sup> Standard at both Schools.*

2. *However, the District Collector has filed a report dated 21.11.2022, where inter alia, he has stated that, pursuant to the Court order, the views of the Government is to be ascertained, for which, already it has been written to the State Government to express their views and awaiting the views of the State Government, the District Collector is seeking a week's time.*

3. *In view of the same, post this matter on 25.11.2022, immediately after admission.*

4. *It is made clear that, on or before 25.11.2022, the views of the State Government must be submitted to this Court by the first respondent by way of status report or by way of an affidavit, without fail.”*

13. Thereafter the case came up for further hearing on 25.11.2022. On that day, after hearing Mr.Hasan Mohamed Jinnah, learned Public Prosecutor for the State Government and hearing the learned Additional Advocate General as well as the Senior Counsel for the petitioner and Mr.R.Sankara Subbu, learned counsel, who appeared on behalf of the victim, since he has filed a impleading petition in this writ petition, this Court passed the following order:

*“Heard Mr.AR.L.Sunderasan, learned Senior Counsel appearing for the petitioner, Mr.S.Silambanan, learned Additional Advocate General appearing for the respondents and also Mr.Hasan Mohamed Jinnah, learned Public Prosecutor and also Mr.R.Sankara Subbu, who wants to file an intervening petition on behalf of the victim.*

2. *Learned Public Prosecutor has submitted that though the investigation, to the considerable extend, is completed by the CBCID, still, the charge sheet has not been filed and therefore, it is to be ascertained from the CBCID as to whether still more time is required by them for completing their investigation and for the said purpose, any portion of the building of the School concerned is still required to be kept aloof. Therefore, for that purpose, the learned Public Prosecutor wants some time to get instructions from the CBCID.*

3. *Since the CBCID is not one of the party respondent in this writ petition, in view of the aforesaid, this Court feels that the ADSP, CBCID, Government of Tamil Nadu, Chennai is a necessary party in this writ petition to be heard, accordingly, the said Authority is impleaded suo motu as one of the party respondent in this writ petition, for whom, Mr.Hasan Mohamed Jinnah, learned Public Prosecutor takes notice and he needs time till 30.11.2022 to file a report, as to the aforesaid queries, by the CBCID / the Investigating Officer of CBCID.*

4. *In view of the above, there shall be a direction to the Investigating Officer, CBCID to file a report on or before 30.11.2022 as to whether they have completed the investigation in full and if so, when charge sheet would be filed before the concerned Court.*

5. *If the investigation is not completed, still how much time they would require to complete the investigation and for the said purpose, any portion of the building in the premises of the School concerned is still required to be kept aloof, if so, for what period.*

6. *These queries should be answered by way of a status report, to be filed by the CBCID on the next date of hearing as indicated above.*

*Post the matter on 30.11.2022 immediately after admission.”*



**14.** Pursuant to these interim orders passed as stated supra, today when the case is taken up for hearing, the fourth respondent i.e., The ADSP, CBCID, who has subsequently been impleaded, has filed a status report dated 30.11.2022, where *inter alia* the Inspector of Police, Crime Branch, C.I.D, Tiruvannamalai District, who is the Investigating Officer, on behalf of the CBCID, has stated the following:

*"12. It is submitted that the District Collector, Kallakurichi District, requested concurrence for handing over the premises to the treasurer Sakthi Matriculation School and ECR International School premises for the restoration of school building and physical function of the classes vide.Ref.No.C1/7850/2022, Dt.24.08.2022. The CB CID had submitted reply to the District Collector, Kallakurichi, that there is no objection in handing over to the school premises to the petitioner, on 31.08.2022. Subsequently, it was learnt that renovation work has been done at the school premises.*

*13. It is further submitted that the CB CID has entered into SOC i.e., Sakthi Matriculation School, Kaniyamoor (A-Block) after the school was fully ransacked. The entire SOC was totally disturbed by the rioters on 17.07.2022. The CB CID took up the investigation on 18.07.2022. Based on the evidences such as photos, CCTV footages collected by the first investigating officer the scene of crime was reconstructed. Even after this condition, all efforts were taken to collect all crucial evidences diligently in this case and investigated thoroughly. Under the direct supervision of senior officers a fair and systematic investigation as per the guidelines of the Hon'ble High Court, had been carried out. The investigation is almost completed. Hence, it is humbly prayed that the Hon'ble High Court may be pleased to accept this status report and pass appropriate order and thus render justice."*

**15.** In support of the said averment made in the report of the fourth respondent, Mr.Hasan Mohamed Jinnah, learned Public Prosecutor appearing for the fourth respondent has produced the copy of the letter already written by the Inspector of Police, Crime Branch CID, Tiruvannamalai to the District Collector, Kallakurichi District on 31.08.2022, where the following has been stated:

*" I wish to submit that I am the investigating officer in Villupuram CB CID Cr.No.1/2022 u/s 174(1) Cr.P.C. @ to 305 IPC & 75 JJ Act (Srimathi death case). With respect to the reply for reference cited above, there is no objection in handing over the school premises to the petitioner."*

**16.** Relying upon these reports as well as the said letter dated 31.08.2022 on behalf of the fourth respondent, the learned Public Prosecutor would contend that, the CBCID had no objection in handing over the school premises to the petitioner and it has further been stated by the learned Public Prosecutor that, as per the said report submitted by the fourth respondent, the investigation is almost completed and therefore, a decision can be taken by this Court as to whether the plea of the petitioner to permit to open the schools for classes from L.K.G. To XII Standards can be considered and decided.

**17.** Mr.S.Silambanan, learned Additional Advocate General appearing for the State as well as the District Collector and District Educational Officer has relied upon the reports submitted by the District Collector dated 24.11.2022, where the District Collector *inter alia* has stated the following:

*"8. It is submitted that in the order of the Hon'ble High Court Madras Dated: 15.11.2022 the Hon'ble Court enquired as to whether the management of the petitioner's school can be permitted to start the physical classes for standards from IX to XII alone as a first measure for a period of one month can be examined? and adequate police security from the District Superintendent of Police whether can be extended to the school premises for maintaining the law and order and by collecting the expenses from the school management to be incurred for deploying additional security has to be ascertained. For these two aspects, both the school management as well as the District Collector and the District Superintendent of Police can make thier suggestion/their*

*view before this Court after consultation with the Government, so that a final decision can be taken in the line as indicated above.*

*9. It is submitted that the Superintendent of Police has suggested to consider the following measures with regard to reopening of school.*

➤ *Security can be provided at the rate of one SubInspector of Police and 4 Police Constables per day at the school on payment basis for one month. At a time, 2 Police Personnel will be available on shift basis.*

➤ *Police can provide adequate Law and Order bandobust whenever there is breach of peace or order expected.*

➤ *There is no objection to reopen the school on Law and Order point of view.*

➤ *The school management will make additional private securities to take care of access control, verification of student ID or parents, internal security, etc.*

*10. It is submitted that as per the order of the Hon'ble High Court, opinion has been sought through District Collector Kallakurichi Lr.No.C1/7850/2022 dated : 18.11.2022 from the government to proceed further regarding the reopening of ECR International School.*

*11. It is submitted that the Government has said in its opinion that, on considering the overall situation, the Government is willing to abide by any order that may be passed by this Hon'ble High Court as suggested or specifying any other condition for reopening the School in the interest of the students in the petitioner's school.*

*It is therefore prayed that this Hon'ble Court may be pleased to pass orders in the light of the above and in the interest of Justice."*

**18.** Relying upon these averments, learned Additional Advocate General would submit that, considering the overall situation, the Government is willing to abide by any order that may be passed by this Court as suggested or specifying or any other condition for reopening the school in the interest of the students studying in the petitioner's school, this in fact has been stated by the State Government vide paragraph 11 of the report of the District Collector dated 24.11.2022.

**19.** On the other hand, on behalf of the petitioner's school additional affidavit has been filed on 20.11.2022, under which, the petitioner's Management had stated that even though the original strength of both schools before the riot was about 3500, subsequent to the said incident took place in the Month of July 2022, the majority of the students have left the Institution as the Institution could not function for all these months. Therefore, he has given a statistics in his affidavit dated 20.11.2022 that as of now totally there are 520 students on the roll from classes L.K.G. To XII standards in ECR International School. Like that, there are totally 1038 students on the roll for classes from L.K.G. to XII standard in Sakthi Matriculation Higher Secondary School.

**20.** Therefore, atleast for the purpose of conducting physical classes for these remaining students, who totally comes for both schools about 1550, the immediate permission from the District Administration as well as the Education Department is required to be given to the petitioner and therefore, for the said purpose, the petitioner has approached this Court, he contended.

**21.** The learned counsel appearing for the petitioner would also submit that, there are four blocks i.e., buildings available in the entire school campus, where both schools were located, called Block A, B, C and D. During the riot, though the entire four blocks were damaged or ransacked, due to heavy fire taken place during the riot time, the blocks C &

D were structurally damaged. Therefore, immediately the buildings at Block C & D cannot be restored. Therefore, the Block C & D have not been restored so far by the school Management. He would further submit that, insofar as the Block A & B are concerned, the A block consists of G + 3 floors and the B Block consists of G + 2 floors. Both A & B blocks are fully renovated and it is ready for occupation of the students for running the physical classes from L.K.G. to XII standards. In this context, he would further submit that, insofar as A Block is concerned, since it is consisting of G+3 floors totally about 1500 students can be placed, whereas in B Block, it is the building consisting of G +2 floors where totally 900 students can be placed.

**22.** He would also submit that, even as on date the strength of both schools is only around 1550, the infrastructure facilities available in A & B blocks can at best be utilised for starting the physical classes from L.K.G. to XIIth standards. Therefore, such a permission may be granted, he contended.

**23.** He would also submit that, insofar as the higher classes i.e., from VI to XII standards, the students have to write the half-yearly examination, which is, as per the present schedule, to be conducted in the second week of December, 2022. Insofar as these higher classes are concerned, according to the learned counsel appearing for the petitioner, on instructions he would submit that, there will be a common question paper to be prepared and issued by the Education Department even for half-yearly examination and therefore, for the said purpose, the students of these classes are to be permitted to come to the schools and take the minimum training atleast for two weeks before they write the half-yearly examination.

**24.** On the other hand Mr.R.Sankarasubbu, learned counsel who filed the petition to implead the victim as a party and Mr.T.Sivaganansambandan, learned counsel who wants to intervene in the petition on behalf of an NGO, had made submissions stating that insofar as the statements submitted by the learned Public Prosecutor that they have completed the investigation almost and they do not have any objection in handing over the school premises to the petitioner and such kind of letter has been issued by the Investigating Officer in August 2022 itself to the District Collector is concerned, the Investigation was not properly conducted and evidences were not fully collected by the Investigating Agency. And in this regard, they would further submit that, insofar as the building block A is concerned, it consists of G + 3 floors, where the alleged incident of death of a girl in the month of July 2022 was taken place, which only triggered the occurrence of the riot, either in the third floor or in the second floor. Most probably, at the third floor only the Management hitherto was running a hostel and the Chairman of National Commission for Protection of Child Rights having visited the school premises sometime in the last week of July 2022 had given an interview stating that they have visited the hostel premises, where the girl was found dead and was observed preliminary lapses in the process of investigation. The Hostel was not registered and was running without the approval of the authorities concerned. The authorities were also negligent in inspecting and registering the hostel in the school and had failed to enquire with the children about the facilities available on the premises and the National Commission for Protection of Child Rights, Chairman would submit a report to Central and State Governments.

**25.** When this statement was made by the Chairperson of the National Commission for Protection of Child Rights [ in short, 'NCPCR'], who visited the school after the riot in the month of July, 2022, the investigation, according to the learned counsel, was not properly conducted and therefore, at this juncture, if at all the renovation in the A Block has already been completed and if the petitioner was running hostel in the same premises or in the

same building or block without even the permission from the authorities concerned, that will be again a detrimental to the students. Moreover, since the said block especially the floors 2 and 3 are concerned, the alleged occurrence took place only from that floors and the evidences are still required to be collected by the Investigating Agency. Therefore, at this juncture if the said block is permitted to open for the purpose of running the physical classes for the students, there may be every chance of tampering of those evidences and therefore, at present the permission sought for by the petitioner Management need not be considered either by the Government or by the District Administration as well as by this Court. Hence, the learned counsel appearing for the victim as well as the NGO, who wants to come as intervenors to assist the Court submitted that, the school cannot be permitted to open for any physical classes as of now.

**26.** I have considered all these submissions made by the respective counsel appearing for the parties and have perused the materials placed before this Court.

**27.** Insofar as the investigation conducted by the CBCID is concerned, as per the report submitted by the fourth respondent, the investigation is almost completed, may be some remaining work to be undertaken to complete the investigation in full shape and to prepare the charge sheet, for which according to the learned Public Prosecutor, three months time is required.

**28.** Even in the month of August, 2022 by writing, the Investigating Agency has informed to the District Collector that the building/school premises can be handed over to the petitioner. The content of the letter dated 31.08.2022 of the Inspector of Police, Crime Branch, Thiruvannamalai written to the District Collector, has been extracted herein above.

**29.** Therefore from the point of view of the Investigating Agency is concerned, neither the building nor the premises of the school concerned is no more required for any further investigation.

**30.** If we look at the reports submitted by the District Collector, he has also stated that, it was suggested by the Superintendent of Police of the District concerned to have the security at the rate of one SubInspector of Police and four Police Constables per day at the school on payment basis for one month. At a time, two police personnel will be available on shift basis. There would be the law and order bandobust whenever there is breach of peace or order expected. It was the further stand of the District Superintendent of Police that there is no objection to reopen the school on law and order point of view. The school management will make additional private securities to take care of access control, verification of student ID or parents, internal security, etc. It is a further stand of the District Collector in its report dated 24.11.2022 in paragraphs 10 and 11 that, as per the the order of the High Court, opinion has been sought through District Collector, Kallakurichi vide his letter dated 18.11.2022 from the Government to proceed further regarding the reopening of two schools.

**31.** In paragraph 11 of the report dated 24.11.2022, he has stated that, the Government has stated in its opinion that, on considering the overall situation, the Government is willing to abide by any order that may be passed by this Court as suggested or specifying for reopening the school in the interest of the students studying in the petitioner's school.

**32.** Therefore, from the point of view of the District Administration as well as the District Police and from the State Government there has been no objection from any side for opening the school now in the interest of the students. However, certain apprehension has come from the victim side as well as the other third parties, though they are not parties



before this Court in this writ petition, stating that, the investigation was not properly conducted and the evidences are still there to be collected from the school premises or the building concerned.

**33.** This issue cannot be gone into in detail at this stage in this writ petition. The reason being that, the investigation has already been conducted by the CBCID of course pursuant to the order passed by this Court and considerable progress has already been made and as per the report of the fourth respondent CBCID, the investigation is almost completed and in the month of August, 2022 itself on behalf of the Investigating Agency, in writing, they have said that, from the point of view of the Investigating Agency there is no objection in handing over the school premises to the petitioner's Management.

**34.** Moreover, it is to be noted that, after normalcy was restored from COVID-19 situation, the entire activities of the schools have been back to position, thereby all the schools in the State both Government sector as well as the private sector have been opened for physical classes for the past several months.

**35.** However insofar as these two schools are concerned, because of this peculiar circumstances, due to the said riot taken place in the month of July, 2022, the schools were closed, entry was restricted, there was absolutely no scope for running the school immediately as major infrastructure and the assets available in the schools were either damaged or ransacked.

**36.** Even though it is the stand of the petitioner's Management that the school buildings i.e., A and B Blocks since are ready with full infrastructure to occupy the present school strength of 1500 and all the students who are studying in both schools from L.K.G to XII standard can be permitted to have physical classes at these schools, this Court feels that since the schools were closed for nearly about four months and unprecedented riot was happened in the school premises in the month of July, 2022, which was witnessed by every one including the students and their parents through various media, therefore what kind of psychological impact it made in the minds of the students cannot be evaluated at this juncture by this court.

**37.** But at the same time, the Court must also see the welfare and career of the students, who are studying in the schools, which, according to the petitioner's Management are 1500 and more students and they are studying in various classes from L.K.G. to XII standard.

**38.** Insofar as the students, who are studying in classes from IX to XII standards are concerned, they are in higher classes and they have to face the public examination. Based on the marks they are going to secure in the X and XII standards in the public examinations, their future career would be decided.

**39.** Therefore, these two public examinations, is very important in any of the students life. For the preparation for these two important examinations imparting of education through physical classes is essential and it cannot be dispensed with.

**40.** In this context, since the students have to face the half-yearly examination, which is going to be started sometime in second or third week of December, 2022, before which, atleast for these students in the higher standards physical classes to be opened properly so that they can prepare and write the forthcoming half-yearly examination well.

**41.** But at the same time, this Court also must see whether the other class students i.e., from L.K.G to VIII standard are also to be permitted to attend the physical class. In this regard, this Court feels that, after the extraordinary situation that was prevailing in the

school premises and the locality few months back, if we allow the school with entire standards, that may not be conducive to have a pleasant atmosphere in the school from the point of view of the parents, whose wards are studying in the lower classes from L.K.G. to VIII standards in the said schools.

**42.** Therefore, instead of permitting the petitioner schools to open for the entire classes i.e., L.K.G to VIII standards, by taking into account the overall situation discussed herein above, permitting the school to open the classes physically for the students from classes IX to XII alone in both the schools would be conducive, for which, according to the petitioner, the students strength for IX to XII standards in ECR International School is 56 and for Classes IX to XII in Sakthi Matriculation Higher Secondary school is 448. Hence, this Court feels that, the physical classes can be commenced immediately for IX to XII standards only.

**43.** Since the students strength now going to be permitted is only very minimum i.e, around 500 students, the Block A building of the school premises is concerned, even though it can be put into use, since it is consisting of G + 3 floors, where the third floor of the A block has been utilised as a Hostel, which according to the learned counsel for the petitioner Management is not going to be opened as of now and it will be utilised only in future after getting necessary permission from the authorities concerned, the third floor of A block in the school premises can be kept closed and sealed by the District Revenue Administration, which shall not be opened until further orders from this Court.

**44.** In view of the discussion herein above made, this Court is inclined to grant the following interim order:

- That the petitioner Management is permitted to reopen the two schools viz., 1. ECR International School and 2. Sakthi Matriculation Higher Secondary School for classes IX to XII standards alone for a period of one month on trial basis from 05.12.2022.
- The necessary intimation to that effect shall be given by the petitioner Management to the parents of the students.
- There shall be a direction to the District Administration headed by the District Collector and the District Superintendent of Police, Kallakurichi District to visit the school before 04.12.2022 and have a discussion with the school management as well as the stakeholders of the other departments i.e., the District Administration and the Education Department and prepare a plan as to how the security in the school premises as well as in the locality to be maintained by the District Administration.
- In this regard, after completing the plan, the District Administration shall provide necessary security arrangement by deploying the police force adequately as required, which will be decided in this regard by the District Administration for maintaining the law and order in the school premises as well as in the locality.
- If the petitioner Management feels that additional police force is required to ensure every protection, that request can be made by the petitioner Management to the District Superintendent of Police for providing more personnel from the police Department, which shall be considered and provided on payment of cost by the petitioner Management.
- That apart, the petitioner Management shall also take steps to engage a private security system with CCTV cameras being fitted in the school premises and that should be made immediately by the petitioner Management before the schools are open for the classes from IX to XII on 05.12.2022.

- A further direction is given to the District Collector, who, at the time of visiting the school as indicated above along with other stakeholders, shall ensure that, the third floor of the A block of the school premises is kept closed i.e., lock and sealed and the key shall be kept by the District Collector until further orders.
  - This system shall prevail as a trial basis from 05.12.2022 for a period of one month. On expiry of one month period, this order would be reviewed. Depending upon the situation prevailing the further course of action with regard to the plea of the petitioner to permit them to open other classes i.e., from VI to VIII standards or even from lower classes i.e., from L.K.G. to VI standards also would be considered.
  - The direction given by this Court to keep the third floor of the A block under lock and seal at the hands of the District administration is given only to instill confidence in the victim side that this Court will not let down any side and it would see only justice will prevail at the end.
  - It is further made clear that except the G+2 floors in block A, no other part of the building including open terrace can be used by the management of the school.
- Post the matter on 02.01.2023.

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