

Chief Secretary & Others

v.

Students of A.P.A.U. & Others

(Supreme Court Of India) JUSTICE ASHOK BHAN HON'BLE MR. JUSTICE
A.K. MATHUR

C. A. No. 2662 of 1999 | 27-01-2005

1. An unfortunate incident took place on 13-9-1996 in which one Srinivas Reddy (since deceased) threw acid on Ms Anuradha, Respondent 2 herein, who was a final year BSc (Agriculture) student, causing extensive burn injuries to her. The students of the University sent a letter/petition to the High Court of Andhra Pradesh, which was treated as public interest petition and numbered as writ petition (WP No. 19820 of 1996).

2. The State of Andhra Pradesh has filed this appeal by grant of special leave against the impugned judgment of the High Court in WP No. 19820 of 1996 wherein the High Court apart from giving the following four directions, ordered payment of Rs 5 lakhs as compensation to the victim Ms Anuradha:

"(i) The State of Andhra Pradesh shall provide to the second petitioner Ms Anuradha full and complete treatment for the burn injuries suffered by her, including surgery and plastic surgery for repair of the damages, in particular, including all costs and expenses on treatment, hospitalisation and transport, etc. In course of the treatment and for all the above, give exclusive expert treatment in the government hospitals as well as in other hospitals where best treatment for the wounds suffered by her is available. The State shall meet all expenses of her lodging and board in hospitals and/or nursing homes and/or any other place where she is permitted to stay by the attending physicians/surgeons.

(2) The University shall permit the second petitioner to appear in the examinations without her complying with the necessary conditions of attendance of classes, etc., and make such arrangements for her writing the examinations which attending physicians / surgeons would recommend. On her completing the studies, if any further she would desire to study, the University

would admit her to the course / courses of study of her choice without insisting for any entrance examination and/or fulfilment of the merit for the purpose of selection, etc. In case, on the basis of her qualifications already acquired, she decides to go for a job or service and befitting her qualifications there is any job in the University, the University shall give to her the job and shall, for the said purpose, relax all conditions of recruitment.

(3) The State Government shall appoint a Special Prosecutor and entrust the case to him for prosecuting N. Srinivas Reddy and ensure that Ms Anuradha and other witnesses are provided full protection and are given necessary batta, etc., on time as and when they are required to depose in the case.

(4) The University shall issue necessary notification / order with respect to the appointment of a retired Judge of the High Court duly nominated by the Chief Justice for enquiry into the allegations against the Principal - the second respondent and other persons who have allegedly indulged in misconducts as per the statements in the report of Smt Annapurna Devi, Advocate. The enquiry in this behalf shall be completed within a period of two months."

3. The High Court, keeping in view the facts and circumstances of the case, gave the aforesaid directions on humanitarian grounds. We are not inclined to interfere with the directions given by the High Court in exercise of its extraordinary jurisdiction on compassionate grounds, except to the extent indicated hereinafter:

Prior to the grant of the sum of Rs 5 lakhs as compensation by the High Court, the Chief Minister of the State, had ordered ex gratia payment of Rs 2 lakhs to Respondent 2 (Ms Anuradha) as financial assistance. The said amount of ex gratia was sent to Respondent 2 vide Memo No. 44778 / D. A. 2 / 98 dated 22-6-1998 from the Revenue Secretary, Government of A. P., the receipt of which is not disputed.

4. The direction of the High Court with regard to the payment of Rs 5 lakhs is made absolute, but it would include the ex gratia payment of Rs 2 lakhs already

made to Respondent 2. It is made clear that the ex gratia payment of Rs 2 lakhs shall not be over and above the compensation amount of Rs 5 lakhs ordered by the High Court.

5. Counsel appearing for the respondents, contended that the directions issued by the High Court have not been implemented in full to the entire satisfaction of Respondent 2, which was refuted by the counsel for the appellant.

6. We are not inclined to enter into this controversy, leaving it open to Respondent 2 to get the directions of the High Court implemented, if not already implemented. The balance amount of Rs 3 lakhs be paid to Respondent 2 within a period of three months from today.

7. Since the High Court had passed this order, on the facts and circumstances of the case, on humanitarian grounds, it would not be treated as a precedent for any future reference.

8. The appeal is disposed of accordingly. There shall be no order as to costs.