

SUPREME COURT OF INDIA

Bala

Vs.

NCT of Delhi

Crl.A.No.146 of 2009

(Lokeshwar Singh Panta and B. Sudershan Reddy JJ)

23.01.2009

ORDER

1. Heard learned counsel for the parties.
2. Delay condoned.
3. Leave granted.
4. This appeal by special leave is directed against the judgment and order dated 20.10.2005 passed by the High Court of Delhi at New Delhi in Criminal Writ Petition No.1332 of 2003 whereby the High Court dismissed the said writ petition.
5. This appeal has been filed by Smt. Bala, mother of Dinesh who died on 25.7.2003 while he was studying in 8th Class in Sarvodaya Vidyalaya, Bakner, New Delhi (respondent No. 2 herein). She filed the writ petition before the High Court seeking adequate compensation for the negligence of the school authorities. The learned Single Judge of the High Court dismissed the writ petition by slipshod order without assigning any reason. Against the said order, the appellant has approached this Court.
6. The order impugned in this appeal is wholly untenable and unsustainable and is, therefore, set aside. We are of the view that instead of remitting the case back to the High Court for deciding the writ petition afresh on its merits, justice would be subserved by directing the appellant to send a detailed representation to the Chief Secretary of the NCT of Delhi with copies thereof to the Director of Education, NCT and the Principal, Sarvodaya Vidyalaya, Bakner, New Delhi for seeking legitimate and appropriate reliefs. The needful shall be done by the appellant within two weeks from today. The representation if made shall be sympathetically considered on its merits by the competent authorities within four weeks from the date of receipt of the same, and decision made thereon shall be duly communicated to the appellant. The impugned judgment and order dated 20.10.2005 accordingly is set aside.
7. The appeal is allowed in the aforesaid terms.