

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 2nd August, 2010.

H.R.M.P.No 242 of 2010.

Petitioner : V.Sulochanakumar,
Uthradam veed, Venkulam,
Edava, Chirayinkizh Taluk.

Respondents : 1) Manager, M R M K M High School, Edava,
2) Shelly, Headmaster do
3) Sreejith, English Teacher, do
4) Rajeev, Hindi Teacher, do
5) Sudevan, Mathematics Teacher, do
6) Biju, do

ORDER

The petitioner's son Amal is studying in the Xth standard in M.R.M.K.M. High School, Edava and the complaint of the petitioner is that on 9-10-2009 a group of students including Sagar and Basha harassed the petitioner's son Amal and when Amal resisted Sagar suffered a minor injury on his face for which Amal was assaulted by Respondents 3 and 4 (teachers). According to him, Amal was treated at Varkala Government Hospital on account of the assault and Varkala Police did not take any action except registration of a crime in crime No.808/09. It is his further complaint that the school authorities are threatening that they well send out his son and will not allow him to appear for the SSLC Examination. The petitioner requests for an enquiry in the matter.

In the report submitted by the Deputy Superintendent of Police, Attingal, it is stated that in respect of the assault on the petitioner's son Amal by R3 and R4 Varkala Police registered crime 808/09 and after completing the investigation charge sheet was submitted before the Court where the same is pending trial as C.C.24/10. According to

the report the investigation did not reveal about any threat or nuisance to the petitioner's son Amal in continuing his studies in the school and for writing the SSLC Examination.

In the report submitted by the Director of Public Instructions (DPI), Thiruvananthapuram, it is stated that the petitioner filed a complaint before the Government alleging assault on his son by two teachers and after an enquiry by the office of the DPI a report was filed before the Government and the Government thereafter ordered that no departmental action is required against the teachers. According to the report, a detailed enquiry was conducted in the school on 31-10-2009 in the matter and during the enquiry it was revealed that on account of a quarrel between the petitioner's son Amal and Sagar the latter suffered an injury on his face and on coming to know of this fact R3 called both the students to the staff room, informed the Headmistress of the school and thereafter the parents were also summoned and the issue was settled. According to the report, the petitioner on that night went to R3's house and threatened him and thereafter filed a case before Varkala Police against R3 and R4. The Parent Teachers' Association discussed the matter and requested the petitioner to withdraw the complaint but he tried to create more problems in the school. It is further stated that the enquiry conducted after questioning the teachers, students and the PTA of the school revealed that the teachers did not assault the petitioner's son and there were no lapses on the part of the teachers as alleged in the petition and hence the complaint was closed as per the order dated 30-12-2009.

It is further stated that an enquiry was also conducted on this HRMP after visiting the school on 9-3-2010 and the said enquiry revealed that the allegations by the petitioner are baseless. The allegation by the petitioner that the school authorities are trying to send his son Amal out from the school and not to allow him to appear for the SSLC Examination is false. According to the report Amal attended the IT Examination and a

hall ticket was issued to him in Register No.510456 for appearing in the examinations which shows that Amal has no hindrance or difficulty for appearing for the SSLC Examination during March 2010. It is further stated that Amal and his mother were questioned on 9-3-2010 who stated that Amal is not facing any problems in the school from the school authorities.

The report filed by the Dy.S.P. Attingal shows that in respect of the assault on the petitioner's son Amal the Police have registered a crime and after completing the investigation final report was filed before the Court where it is pending trial as C.C.24/10 and thus the matter had become subjudiced and this Commission cannot pass any further orders in view of Clause 17 (h) of the Kerala State Human Rights Commission (Procedure) Regulations, 2001. The DPI, Thiruvananthapuram, has reported that an enquiry was conducted earlier on the complaint filed by the petitioner before the Government and a report was also filed and thereafter the Government ordered not to take any action against the teachers. The DPI has also stated that an enquiry was also conducted on this HRMP in which it was found that the allegations by the petitioner are baseless and it shows that there were no hindrances for the petitioner's son Amal to appear for his SSLC Examination and he can continue his studies in the school without any threat from the school authorities which is evident from the statement, according to the report, of Amal and his mother. Therefore no further orders are required and if he has any grievance regarding the enquiry and the order of the Government thereon for not initiating action against the teachers he has to approach only the appropriate forum for the redressal of his grievance since this Commission has no jurisdiction over such matters.

The petition is hence closed.

Justice N.Dhinakar,
Chairperson