



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 387 of 2024

Date of Decision: 28.07.2025

1.Smti. Phidapherlin Sohtun (Mother)
W/o Kumar Mizar

2.Shri. Binestar Ksanlah,
Member of Parent Teacher Committee

3.Smti. Bellinda Karsati
Member of Parent Teacher Committee

:::Petitioners

-Vs-

1.The Deputy Commissioner,
Chairman of the Vidyalaya Management
Committee
O/o The Deputy Commissioner, East Khasi
Hills District, Shillong – 793001

2.The Superintendent of Police,
East Khasi Hills District, Meghalaya

3.Shri. R. Kurkalang,
Officer in Charge,
Mawngap Police Station
East Khasi Hills District, Meghalaya

4.Dr. Neelam Sharma,
Principal
Jawahar Navodaya Vidyalaya (JNV),
Mawphlang,
East Khasi Hills District, Meghalaya – 793121



5.The Deputy Commissioner,
Navodaya Vidyalaya Samiti,
Regional Office, Shillong
Lachumiere, Shillong – 793001

:::Respondents

6.Child Welfare Committee
Office of the District Child Protection
Lower Lachumiere, Shillong 793001

:::Pro Forma Respondent

Coram:

Hon’ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. I.M. Lyngdoh, Adv.
Ms. B. Lyngdoh, Adv.

For the Respondent(s) : Mr. K.P. Bhattacharjee, GA with
Ms. S. Shyam, GA (For R 1&2)
Mr. J.N. Rynjah, Adv. (For R 3)
Dr. N. Mozika, DSGI with
Ms. M. Myrchiang, Adv. (For R 4&5)
Mr. A. Papang, Adv. (For R 6).

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No



JUDGMENT AND ORDER

1. This application under Article 226 of the Constitution of India, has been filed by the mother of (L) Nathaniel Sohtun, a 17 year old, Class – XI student at Jawahar Navodaya Vidyalaya (JNV), Mawphlang, who tragically lost his life due to electrocution on 28.07.2024. The incident occurred on the terrace of Hostel B-2, when he had gone with his friends to take a head bath, after playing games. As per statements from the students, they had gone to the terrace because there was no water in the bathrooms and they had used the water from the terrace tank for their baths, and (L) Nathaniel Sohtun, while taking his bath accidentally came into contact with an electrified water pipeline, which led to his electrocution. The writ petitioner has therefore prayed that action be taken against the school authorities, for directions to the concerned authorities to address all safety hazards in the school premises, to ensure repair of the leakage, electrical wiring, ensure safe water for drinking, bathing, sanitation and to ensure supervision of risk factors such as the use of the terrace by the students apart from other prayer.

2. It has been contended by Ms. I.M. Lyngdoh, learned counsel for the petitioner that there was gross negligence on the part of the school authorities especially the Principal (Respondent No. 4) in addressing the



immediate situation, when (L) Nathaniel Sohtun was electrocuted, and there was a delay in getting immediate medical attention, which had resulted in the deceased student being brought dead to the Community Health Centre. The deceased student, she submits went to the terrace to have a bath due to the water shortage in the hostel bathrooms, and had there been adequate water, there would have been no occasion for the students to go to the terrace. It is submitted that the writ petitioner had also testified before the Magisterial Inquiry, that there had been prior complaints filed by the students on 24.06.2024, about water leakage and faulty wiring, which had been submitted to the respondent No. 4, but however, no action was taken. The detailed Magisterial Inquiry Report, she submits confirms that the student had died due to electrocution, and also that there were other deficiencies such as the main control room, which housed the electrical panels also being used as a storage room, which made it difficult for the staff to access. A spot inspection she submits, was conducted on 05.09.2024, by a Senior Electrical Inspector, who reported that the main control room was cluttered with waste materials affecting access, short circuits found in the external control panels, electrical switches which were malfunctioning, leakage of electricity in the pump starter, and also the absence of warning signs or proper safety measures around the electrical panels.



3. The learned counsel has also submitted that following a memorandum submitted by the parents on 29.09.2024, a joint inspection was carried out by the Additional Deputy Magistrate and the parents on 08.10.2024, which showed that certain steps have been undertaken such as the tendering process for electrical repairs, hiring of a private Electrician, but however, the report failed to mention the cause of death of the petitioner's son, or who was responsible and why such negligence occurred. It is further submitted that though the initial criminal complaint was converted into an FIR, the status report filed by the Respondent No. 3 (Officer in Charge, Mawngap Police Station) shows that no criminal case has yet been registered against the Respondent No. 4 (Principal). The learned counsel has cited the case of ***Dr. Debajit Das & Anr. vs. Williamson Magor Education Trust & Ors.*** reported in ***(2020) 4 Gauhati Law Reports 478***, in support of her arguments that the Principal should be held accountable for criminal negligence.

4. Mr. K.P. Bhattacharjee, learned GA for the respondents No. 1 and 2, submits that a Magisterial Inquiry was conducted by an Executive Magistrate on 13.08.2024, at the JNV campus, who also recorded the deposition of witnesses and came to a finding that apart from the fact that the deceased died due to electrocution, there was certain deficiencies in the electrical infrastructure that needed urgent repair works. The inquiry report,



he submits, has also recommended that the parents of the deceased student be awarded a compensation of Rs.2.5 Lakhs, to be paid by the school and also that regular testing of internal wiring and electrical panels should be carried out. The learned GA has also submitted that the report at Point No. 7, has stated that the entry to the terrace was strictly prohibited and was to remain locked round the clock by the House Master, but that in the inquiry it was found that the House Master, one Shri. Akilesh Kumar, had left the terrace door open, and left the campus without intimating the competent authority. Further, it is submitted that the report at Point No. 12, states that no paper work was asked to be filled before the student was taken to the hospital, as alleged, and that the victim was removed from the spot and rushed immediately to CHC, Mawphlang, where he was declared brought dead. The learned GA has also referred to certain correspondences, wherein the issue of water scarcity has been sought to be addressed.

5. Dr. N. Mozika, learned Senior counsel on behalf of the respondents No. 4 and 5, has submitted that there was no delay in taking the deceased student (L) Nathaniel Sohtun, to the Community Health Centre (CHC) following the unfortunate incident that occurred on 28.07.2024, as alleged. On the contrary he submits, the respondent No. 4, as soon as she was informed by the duty teacher, at approximately 3.55 PM, immediate steps were taken to rush the student to the CHC, and the respondent along with a



duty teacher and several other students, personally escorted the unconscious student, without insisting on any paper work or written explanation. It is then submitted that the Magisterial Inquiry Report, has also come to the finding that prior to the fatal incident on 28.07.2024, no complaints had been received about the leakage of electricity by the resident students in the B-2 Hostel. The learned Senior counsel has also submitted that the upgradation of the electrical system in the school was under process and the CPWD had carried out inspection of the site on 26.08.2024, and estimates have since been received for upgradation of both the external and internal wiring in the school campus, and as the JNV, Mawphlang, has 10(ten) hostel buildings, the upgradation would be carried out in a phased manner. In this regard, he submits the report and recommendations of the Senior Inspector of MePDCL, has also been taken into consideration and that the school authorities are taking all possible measures to ensure that such an incident does not happen in future, and that all the students live and study in the school in a safe and secure environment.

6. The Respondent No. 3, the Investigating Officer who has been impleaded by name is represented by Mr. J.N. Rynjah, learned counsel and has filed a report showing the steps that have been taken i.e. from the stage of the Preliminary Inquiry, till to the conclusion of the investigation,



wherein 3(three) accused persons namely Shri. Akhlesh Kumar, Bandonlang Kharmalki and Shri. Stanborlin Ryntathiang, of JNV Mawphlang, have been charge sheeted. It is submitted by the learned counsel that from the side of the police, prompt action had been taken and a case had been registered on receipt of the FIR, and the investigation was done taking into consideration the Post Mortem Report, Histo-Pathological Examination (HPE) Report and Forensic Science Laboratory (FSL) Report, and that the electrocution as the cause of death could not be ruled out.

7. Having heard the learned counsel for the parties, this Court notes that the incident that had occurred is indeed most unfortunate, as the life of a young person has been lost in the most tragic circumstances. The prayer made before this Court, is for action to be taken against the persons responsible for the death of (L) Nathaniel Sohtun, for steps to be taken by the concerned authorities or departments, to address any safety hazard in the school, to ensure repair of the electrical wiring etc., and to ensure supervision in places where there is a risk factor.

8. In the course of these proceedings before this Court, as can be seen from the submissions made and from the materials on record, to address and assess the steps that were taken immediately on the occurrence of the incident thereof, and the safety situation in the said school, a Magisterial Inquiry had been conducted on 13.08.2024, a spot inspection by a Senior



Electrical Inspector from MePDCL conducted on 05.09.2024, and a joint inspection by the Additional Deputy Magistrate on a Memorandum submitted by the parents on 08.10.2024. A status report dated 11.12.2024, had also been filed by the Investigating Officer, detailing the investigation and the charge sheeting of 3(three) employees of JNV Mawphlang. A perusal of the detailed Magisterial Inquiry Report, shows that as many as 15(fifteen) persons were examined by the Inquiry Officer, which included a joint deposition of 6(six) students. Among the persons examined was the Doctor of Mawphlang CHC, wherein the deceased student was brought dead, the mother and aunt of the deceased boy, the Principal (Respondent No. 4), and 2(two) of the accused persons namely Shri. Akhlesh Kumar and Bandonlang Kharmalki. Other persons were the Chowkidar, the Doctor who conducted the Post Mortem, and other parents who were members of the Parents-Teacher Council (PTC) of the school.

9. The Magisterial Inquiry, came to a finding that (L) Nathaniel Sohtun, died due to electrocution and that the electrical infrastructure of the JNV Mawphlang, required urgent revamp and repair works. No motive was ascribed to the death of the student, and it was recommended that a compensation of Rs.2.5 Lakhs, which should be borne by the school authorities, be given to the parents of (L) Nathaniel Sohtun. In the report, it is also recorded that the Principal of JNV Mawphlang, had already floated



a tender for repair and revamping of the electrical infrastructure and that all the required electrical repair and maintenance works had been awarded to a Contractor on 15.10.2024, and that the work had since commenced. The Magisterial Inquiry, from the report it is noted, has also examined the Police Report, which also contained a copy of an Inquest Report dated 28.07.2024, Post Mortem Report dated 29.07.2024, HPE Report dated 13.08.2024, FSL Report dated 17.09.2024, as also a report of Internal Examination of Exhibits dated 23.08.2024, prepared by a Scientific Officer, Biology Division, FSL, Shillong. The Electrical Accident Inquiry Report prepared by the Senior Electrical Inspector, was also taken into consideration, and the findings arrived at were reproduced in the report.

10. On the other aspect, the Report has in detail recorded the statements of the students who were with (L) Nathaniel Sohtun, when they went to the terrace of the Senior Boys-2 Hostel to take a light bath. The statements of the Principal also reflected that the entry to the terrace is strictly prohibited and must remain locked round the clock, but that however, the House Master had left the terrace to open and left the school premises without intimating the competent authority. It is also recorded in the report the chain of events, that took place immediately after the accident from the depositions of the students present there, which is reproduced herein as follows:-



“It was deposed that Samuel and Memonbanshan completed their bathing/washing first and when they were almost finishing their bathing routine, they heard that someone or something had fallen behind them and when they looked, they saw that Nathaniel Sohtun was lying on the ground and his body was partly stuck inside the water pipes and partly(sic) lying face down on the bare ground. When Memonbanshan and Samuel tried to talk to Samuel, there was no response. When both the boys tried to pull him up, they deposed that they felt electric current on them when they touched Nathaniel Sohtun’s body. It was deposed by Samuel that he immediately went down from the terrace to call for help. First to reach the terrace was Medondor Kharngi. Medondor Kharngi deposed that he noticed and saw that Nathaniel Sohtun’s cheeks and neck was emitting electrical sparks. The boys stated that after they tried multiple times to pull him out, they finally used plastic covers and cardboards which they finally succeeded to pull out Nathaniel. It was deposed jointly that when they managed to pull Nathaniel to a safer distance, students tried to perform CPR on him. It was also at this time that Mr. Rajesh Kr. Chowdhury, B-1 House Master, arrived at the scene. It was deposed that the said House Master informed Principal to call for a vehicle to take Nathaniel Sohtun to the Mawphlang CHC. At that time, the Chowkidar brought his car coincidentally towards B-2 Hostel and the students present therefore carried Nathaniel inside the car, accompanied by Simon Lyngdoh Nongbri, Samuel Jyrwa, Andy Pyngrope,



*Nathaniel Marwein and the House Master B-1 Hostel, car was driven by the said Chowkidar. On reaching Mawphlang CHC, the students took Nathaniel Sohtun to Emergency Room, where he was subsequently declared brought dead. It was deposed jointly that students of B-1 Hostel had already submitted a written complaint through the House Captain, having signatures of all hostel resident students, and House Master was also apprised of the complaint about passing electric current in the B-1 Hostel. However, concerning B-2 Hostel (Place of occurrence), **it was deposed by all jointly that prior to this incident, B-2 Hostel did not face any electric current related issues.**”*

11. From the report, the findings and recommendations, it is seen that there was no undue delay in shifting the student to the nearest CHC. This can also be discerned from the timeline of events, wherein the incident had occurred at 3.52 PM, followed by the call to the parents at 4.00 PM, which was also corroborated by the statements of the witnesses including that of Mr. Rajesh Kumar Chowdhury, the House Master of Hostel B-1, who was the first to respond and who informed the Principal, and arranged for transport to the CHC. He had also denied the allegation that any paper work was required, at that point of time.

12. The other inspection namely the spot inspection on 05.09.2024, by the Senior Electrical Inspector from MePDCL, has also pointed out the



deficiencies in the electrical installations such as the main control room being cluttered, short circuit found in external control panels, malfunctioning electrical switches, leakage of current and absence of warning signs. Recommendations had also been made for regular inspection and testing, removal of stored materials from the control room and the installation of proper danger signs and safety warning. It is also recommended that payment of Rs.2 Lakhs 50 Thousand by the school be given. The joint inspection by the office of the Deputy Commissioner conducted on 08.10.2024, had also rendered findings and recommendations, which are as follows.

“1. The Principal, JNV Mawphlang stated that the tendering process has already started for the cable work and panel changing and the opening of tender is on 14th October 2024, after which work would start and complete in 45 days, i.e., in mid December 2024.

Recommendation: To complete all works as stated for the benefit of the students.

2. In the meantime, a private electrician has been hired by the school with the assistance of parents of some students to repair the electrical wiring of the whole school/hostels, etc. and is being supervised by the J.E. (Electrical) CPWD. This would enable the school to commence classes by the 7th November 2024 after holding a general meeting with the Parents Teachers Council (PTC)



Recommendation: Safety Certificate should be issued by the J.E. (Electrical) CPWD for the school to commence.

3. The Principal, JNV Mawphlang informed that solar panels/solar heater in all the hostels would be installed and the tendering process has started.

Recommendation: To complete the same before the onset of winter.

4. Since the incumbent electrician is under medical treatment and disciplinary proceedings initiated against him, the members suggested for proposal to NVS for appointment of at least 2 electricians to oversee the electrical works regularly in the school premises.

Recommendation: To send the proposal to NVS at the earliest.”

13. The report filed by the Officer-in-Charge cum Circle Inspector, has also been examined, wherein the entire sequence and steps taken by the police authorities have been given in detail, commencing from the inquest over the dead body, to the visit to place of occurrence, registration of the case, receipt of Post Mortem, HPE and FSL report, culminating in the closure of investigation and submission of findings vide F.F Vide Mawngap PS C.S No. 15/2024, U/S 106(1) of BNS Act Dated: 31/10/2024, wherein the 3(three) accused namely Shri. Akhlesh Kumar, Bandonlang



Kharmalki and Shri. Stanborlin Ryntathiang, of JNV Mawphlang, have been charge sheeted.

14. From what has been discussed above, it is clear that the death of the student was caused by electrocution, and that the same can be attributed to the negligence and deficiency on the part of the school authorities, who were responsible for the safety and security of the students. Notwithstanding the fact that the place of the incident was restricted and supposed to be under lock and key, the very fact that the same was left unlocked, is a failure in the discharge of assigned duties on the part of the concerned teacher. The findings contained in the various reports, also indicate the abysmal conditions of the electrical system and reflects on the general maintenance conditions of the institution, which needs urgent attention. As such, there exists serious systemic deficiencies in the school's infrastructure and supervision, which has been identified, though on the findings, no criminal negligence has been established against the respondent No. 4. However, as it is reported that corrective measures are being taken and in view of the fact that the criminal case, wherein a charge sheet has already been filed is pending, this Court in consideration of the entire facts of the case, while disposing of this matter directs as follows:



- i) Safety measures including safety audits of electrical installations, such as wiring etc., to be conducted periodically to ensure effective maintenance and repair.
- ii) Engagement of certified Electricians for putting in place of proper safety protocols for electrical systems.
- iii) Proper monitoring and supervision of access to high risk or hazardous areas in the school such as terraces etc., to prevent future accidents.
- iv) Placement of signage indicating warning and danger signs at hazardous places.

15. This Court in consideration of the totality of the circumstances, hereby orders the school authorities to pay further compensation to the parents of (L) Nathaniel Sohtun, of a sum of Rs.6.5 Lakhs, over and above the ex-gratia payment of Rs.1 Lakh, that has already been disbursed by the school. The said payment shall be made positively within a period of 8(eight) weeks from the date of this order.

16. In terms of the directions as given above, this writ petition is accordingly closed and disposed of.

Judge

Meghalaya
28.07.2025
"D.Thabab-PS"