

## **Quadrant II - Notes**

**Paper Code: LRM0112**

**Module Name: Headmistress, Govt. Girls High School &  
ors. v. Mahalakshmi & anr.**

**Module No:1**

---

This matter was decided by the High Court of Madras. It relates to the concept of vicarious liability of State for the negligence of its servants.

The facts of the case: Mahalakshmi (Plaintiff) was a minor studying in Govt HS. She was sent by the Aya of the school to fetch drinking water for use of school students. It was duty of Aya to fetch water, which she delegated to Mahalakshmi. One cycle was given to her for the same. While she was placing the water pot of the cycle carrier she suffered injury to her eye as the cycle was kept in ill-maintained condition. Suit was filed in lower court against Aya, and three other defendants including Headmistress and State. Court held them liable for compensation. Appeal therefore, was filed by defendants other than the Aya.

Issue: Whether the appellants are vicariously liable for the negligent act of Aya towards the plaintiff?

The court referred to several judgements like State of Maharashtra v. Kanchanmala Vijaysing Shirke, (AIR 1995 SC 2499); Sohan Lal Passi v. P. Sesh Reddy 1996 SCC (5) 21, etc. It came to the conclusion that there existed a master-servant relation between the aya and the school and Government. Therefore, when servant acted negligently in the exercise of authority given by

the master, in the course of employment, the master will be liable to the injured party for such negligence.

Principle: If, the employee does an act in such a manner as to occasion injury to a third person, the employer cannot escape liability on the ground that he did not actually authorize the particular manner in which the act was done...’.

Decision: Appeal was dismissed with cost and lower courts order regarding compensation was upheld.

-----