

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

THURSDAY, THE 21ST DAY OF MARCH 2013/30TH PHALGUNA 1934

WP(C).No. 18535 of 2012 (N)

PETITIONER(S):

RADHIKA P. AGED 53 YEARS
(WORKING AS ASSISTANT PROFESSOR
DEPARTMENT OF SCHOOL OF SOCIAL SCIENCES
MAHATMA GANDHI UNIVERSITY) W/O.LATE DR.MURALIDHARAN
R/O.4B, CHRYSTAL APARTMENTS, OLD SEMINARY ROAD, CHUNKAM
KOTTAYAM.

BY ADVS.SMT.A.G.ANEETHA
SMT.REKHA NAIR

RESPONDENT(S):

1. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY REGISTRAR, PRIYADARSHINI HILLS P.O
KOTTAYAM 686 560.

2. VICE CHANCELLOR
MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS P.O
KOTTAYAM 686 560.

* Addl.3. DR.K.T.RAMMOHAN
ASSOCIATE PROFESSOR PRESENTLY
DIRECTOR-IN-CHARGE OF SCHOOL OF SOCIAL SCIENCES,
PULLARIKUNNU, MALLOOSSERY PO, KOTTAYAM.

ADDL. R3 IS IMPEADED AS PER ORDER DATED 09/08/2012 IN IA 11055/2012.

R1 & R2 BY ADVS. SRI.VARUGHESE M.EASO, SC, M.G. UNIVERSITY
SRI.VIVEK VARGHESE P.J., SC, M.G. UNIVERSITY
ADDL.R3 BY ADV. SMT.K.V.BHADRA KUMARI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-03-2013,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1. COPY OF PRELIMINARY REPORT DATED 06.10.2009 OF ENQUIRY COMMITTEE.
- EXHIBIT P2. COPY OF NOTE SUBMITTED BEFORE SYNDICATE ON 19.10.2009 BY REGISTRAR.
- EXHIBIT P3. COPY OF MEMO DATED 16.2.2010 SENT TO DR.K.T.RAMMOHAN.
- EXHIBIT P4. COPY OF STATEMENT OF DEFENCE FILED BY DELINQUENT BEFORE REGISTRAR.
- EXHIBIT P5. COPY OF NOTE SUBMITTED BEFORE SYNDICATE ON DT.21.10.2010 BY REGISTRAR.
- EXHIBIT P6. COPY OF ORDER DATED 3.2.2011 OF REGISTRAR CONSTITUTING COMMITTEE FOR DETAILED ENQUIRY.
- EXHIBIT P7. COPY OF ORDER DT.14.2.2012 OF REGISTRAR APPOINTING FRESH ENQUIRY COMMITTEE.
- EXHIBIT P8. COPY OF NOTICE DATED 6.6.2012 TO APPEAR FOR CROSS EXAMINATION BEFORE THE ENQUIRY COMMITTEE.
- EXHIBIT P9. COPY OF OBJECTION DT. 15.6.12 FILED BY THE PETITIONER BEFORE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS NIL

/TRUE COPY/

P.A. TO JUDGE

VPV

P.N.RAVINDRAN, J.

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W.P.(C) No.18535 of 2012

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Dated this the 21st day of March, 2013

JUDGMENT

The petitioner herein who is working as Assistant Professor in the School of Social Sciences in the Mahatma Gandhi University filed a complaint of sexual harassment against the third respondent before the Vice Chancellor of the Mahatma Gandhi University. A two member committee headed by Dr.Razeena Padmam was constituted to enquire into the said complaint and the committee submitted Ext.P1 report wherein it was recommended as follows:-

"8. The Commission is of the view that the serious nature of the complaint which encompasses the professional and personal life of the complainant and the ensuring poignancy of the situation in which the complainant finds herself, calls for effective remedy."

The Vice Chancellor who considered Ext.P1 report directed it to be placed before the Syndicate. Thereupon, the Syndicate of the University that met on 23.1.2012 resolved to constitute an enquiry committee consisting of Dr.C.V.Thomas, Dr.S.Sujatha and Shri.N. Jayakumar as members of the Syndicate. Ext.P7 order dated 14.2.2012 was thereupon issued. It was at this stage that the instant writ petition was filed for an order directing the respondents to constitute a committee in accordance with the decision of the Apex

Court in **Vishaka v. State of Rajasthan** [(1997) 6 SCC 241].

2. When the writ petition came up for hearing before a learned single Judge of this Court on 21.8.2012, after notice was served on the respondents, the learned single Judge passed the following order:-

"Despite service of notice by special messenger, the 3rd respondent has not chosen to enter appearance to contest the matter. The University has also not filed any counter affidavit. The learned counsel for the petitioner presses for interim orders.

Heard.

There would be an interim order as follows:

*Respondents 1 and 2 shall see that further proceedings in respect of the complaint against the 3rd respondent shall be continued only after reconstituting the disciplinary committee in accordance with the decision of the Supreme Court in **Vishaka v. State of Rajasthan** (1997) 6 SCC 241, which shall be done within two weeks from the date of receipt of a copy of this order."*

3. The third respondent carried the matter in appeal by filing W.A.No.1948 of 2012. By judgment delivered on 16.11.2012, the writ appeal was dismissed holding that no grounds have been made out to interfere with the interim order passed by the learned single Judge. It is not in dispute that pursuant to the said order, a committee has been constituted on 8.11.2012 in terms of the direction issued by the Apex Court in **Vishaka v. State of Rajasthan** (supra). In such circumstances, the only thing that remains to be done is to direct that committee to complete the proceedings within a time frame. The

petitioner raised the complaint on 18.3.2009. Four years have passed thereafter. In such circumstances, I am of the opinion that the committee constituted on 8.11.2012 should enquire into the complaint and submit its report within three months and depending on the report submitted by the committee, the competent authority in the Mahatma Gandhi University should issue final orders in the matter immediately thereafter.

I accordingly dispose of the writ petition with a direction to the committee constituted by the Mahatma Gandhi University on 8.11.2012 in accordance with the direction issued by the Apex Court in **Vishaka v. State of Rajasthan** (supra) to enquire into the petitioner's complaint and submit its report to the Vice Chancellor of the Mahatma Gandhi University within three months from the date on which the petitioner produces a certified copy of this judgment before the Registrar of the Mahatma Gandhi University. The competent authority in the University shall thereafter, depending on the findings in the report submitted by the committee, take a final decision in the matter expeditiously and in any event within an outer limit of two months from the date of receipt of the report. I make it clear that I have not expressed any opinion on the merits of the allegations levelled by the petitioner against the third respondent and that the

committee enquiring into the complaint will be free to arrive at an independent finding having regard to the materials placed before it.

Sd/-
P.N.RAVINDRAN
JUDGE
/True copy/

P.A. to Judge

VPV