

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.25698 of 2016
and
W.M.P.No.22025 of 2016

Dr.R.Shanthi Ramalingam,

... Petitioner

Vs.

1. The Director of Medical Education,
Kilpauk,
Chennai - 110.
2. The Dean,
Kilpauk Medical College,
Chennai - 110.
3. The Head of the Department/CSMO,
Government Peripheral Hospital,
Anna Nagar,
Chennai.

... Respondents

Prayer :- Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the first respondent to constitute an enquiry for the harassment and humiliation meted out to the petitioner in the Department at Government Peripheral Hospital, Anna Nagar, Chennai, pursuant to the representation made by the petitioner on 20.06.2016 and thereby direct the first respondent to submit report.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.V.Anandhamoorthy,
Additional Government Pleader

O R D E R

With the consent of both sides, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to constitute an enquiry for the harassment and humiliation meted out by the her in the department of Government Peripheral Hospital, Anna Nagar, Chennai, pursuant to the representation made by her on 20.06.2016 and thereby direct the first respondent to submit a report in the enquiry ordered.

3. It is the case of the petitioner that the she possesses Master Degree in General Medicine. To pursue degree in super specialty course in Medical Gastro-Enterology under non-service quota, she was allotted in Government Peripheral Hospital, Anna Nagar, Chennai, which is under the control of the 2nd respondent. The petitioner has to work under the concerned department for preparation of ejournals, therapartic and diagnostic procedures like endoscopy and colono scopy, thesis presentation and also for practical and academic training. Apart from that, the petitioner also has to undergo practical training under the Assistant Professors and Head of the Department in the said department.

4. Though the petitioner being a meritorious student and a lady, she was from the very beginning treated differently, discriminating her by the Assistant Professor in the institution and fresh student undergoing the 3rd year P.G in the same institution. She has been making several complaints on several occasions in this regard. The petitioner made a complaint on 20.04.2016 to the Health Secretary of Government of Tamil Nadu clearly stating that she could not continue her course in the same institution in view of the unbearable torture and harassment.

5. On 06.04.2016, the petitioner also sent a legal notice to the concerned persons, who are indulging in the above said harassment and gender biased discriminative treatment. But, the first respondent without understanding the complaint and the harassment meted out by the petitioner, has constituted an enquiry by the "Sexual Harassment Committee" of the college and by a notice dated 10.06.2016, 1st respondent directed the petitioner to appear before the Sexual Harassment Committee on 14.06.2016 at about 11.00 a.m., at the Dean's chamber of Government Medical College, Chennai - 10 for enquiry.

6. It is the contention of the petitioner that her only demand is to conduct enquiry for humiliation and gender biased discriminative treatment meted out by her and not an enquiry for the alleged sexual harassment. In any event, she appeared before the Sexual Harassment Committee, being conducted at the second respondent chamber.

7. It is the grievance of the petitioner that no enquiry was conducted with regard to the complaint made by the petitioner. Thereafter, she made a representation dated 20.06.2016, but the said representation was not considered. Hence, left with no other alternative, the petitioner has come up with the present writ petition.

8. Without going into the merits of the claim of the petitioner, this Court directs the first respondent to consider the representation of the petitioner and conduct an open enquiry with regard to the alleged harassment said to have undergone by the petitioner and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

9. With the above direction, the writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrp

To:

1. The Director of Medical Education,
Kilpauk,
Chennai - 110.
2. The Dean,
Kilpauk Medical College,
Chennai - 110.
3. The Head of the Department/CSMO,
Government Peripheral Hospital,
Anna Nagar, Chennai.

+1cc to Mr.N.Suresh, Advocate, S.R.No.53968
+1cc to the Government Pleader, S.R.No.53807

W.P.No.25698 of 2016

RP(CO)
CA(06/10/2016)