

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.08.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.3668 of 2013

Pramila Gnanaselvi

... Petitioner

Versus

1.The Government of Tamil Nadu
rep. by its Secretary,
Home Department,
Fort St.George, Chennai 600 009.

2.The Secretary to Government
School Education Department,
Fort St.George, Chennai 600 009.

3.The Secretary to Government
Social Welfare Department,
Fort St.George, Chennai 600 009.

4.The District Collector,
Kancheepuram District,
Kancheepuram.

5.The Chief Educational Officer,
Kancheepuram District.
Kancheepuram.

6.The Superintendent of Police
Kancheepuram District,
Kancheepuram.

7.The Deputy Superintendent of Police
Kancheepuram District,
Kancheepuram.

8.The District Child Welfare Committee,
District Social Welfare Office,
Taluk Office, Chengalpet.

9.The Inspector of Police
Town Police Station,
Chengalpet, Kancheepuram District.

10.The Head Master,
The Government Girls Higher Secondary School,
Alagesan Nagar, Chengalpet,
Kancheepuram.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, for direction to adopt the procedure set out in the Commission for Protection of Child Rights Act-2015, the Protection of Children from Sexual Offences Act 2012 and Criminal Law (Amendment) Ordinance, 2013 to deal with the complaint registered in crime No.39 of 2013 pending on the file of 9th respondent and ii) to constitute the state Commission for Protection of Child as provided under Chapter IV of the Commissions for Protection of Child Rights Act, 2005, iii) to constitute Special Courts as contemplated under The Commissions for Protection of Child Rights Act-2005 and The Protection of Children from Sexual Offences Act-2012, iv) to frame Rules as empowered under Section 45 of the protection children's from second offences Act 2012, V) to put in place gender sensitive mechanisms for investigation, victim support, prosecution, trial and conviction as per the provisions of the Commissions for protection of child Rights Act-2005, The Protection of Children from Sexual Offences Act-2012 and Criminal Law (Amendment) Ordinance, 2013.

For Petitioner ::: Mr.K.C.Karlmarx

For Respondents::: Mr.T.N.Rajagopal

Special Government Pleader
for R.1 to R.9

ORDER

(The Order of the Court was made by The Hon'ble
The Chief Justice)

We have perused the affidavit of the respondents.

2. In so far as the criminal case is concerned, it is pending as Case No.SPL. 1 of 2013 against the two teachers under Sections 354 and 506 IPC. In this behalf, the grievance of the learned counsel for the petitioner is that though the case is more than three years old, it is still at the stage of prosecution evidence and out of four complainants, two have got married, and thus, there is difficulty in their coming to the Court again and again.

3. In respect of the aforesaid grievance, we call upon the Mahila Court, Chengalpet to look into the matter to ensure expeditious trial and the complainants should not be inconvenienced .

4. The disciplinary proceedings initiated are awaiting the result of the criminal trial. The teachers were placed under suspension on 21.01.2013 and charged under Rule 17(b) of the Tamil Nadu Government Servants Conduct (Discipline and Appeal) Rules, for the grave charge of sexual harassment. The enquiry has been completed and report submitted. The teachers were initially placed under suspension, but the suspension orders were revoked. It is stated that in one case, the person has not been permitted to retire on attaining the age of superannuation, as he was under suspension. The other teacher is now teaching exclusively in boys school.

5. We accordingly close the proceedings, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary, Home Department,
Fort St.George, Chennai 600 009.

2.The Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 009.

3.The Secretary to Government,
Social Welfare Department,
Fort St.George, Chennai 600 009.

4.The District Collector,
Kancheepuram District, Kancheepuram.

5.The Chief Educational Officer,
Kancheepuram District.

6.The Superintendent of Police,
Kancheepuram District.

7.The Deputy Superintendent of Police,
Kancheepuram District.

8.The District Child Welfare Committee,
District Social Welfare Office,
Taluk Office, Chengalpet.

9.The Inspector of Police,
Town Police Station,
Chengalpet, Kancheepuram District.

10.The Sessions Judge,
Mahila Court, Chengalpet.

+1cc to M/s.K.C.Karl Marx, Advocte sr.49506

+1cc to the Government Pleader Sr.49659

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srg 23/09/2016



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