

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 6.06.2018

(Orders reserved on 31.05.2018)

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.13020 of 2018

and

W.M.P.No.15299 of 2018

Dr.K.Coumaravel

... Petitioner

.. Vs ..

1. The Chief Secretary cum Chairman,
PAJANCOA & RI (Karaikal) Society,
Chief Secretariat,
Puducherry - 1.
2. The Dean i/c, Professor Horticulture,
Pandit Jawaharlal Nehru College of Agriculture &
Research Institute,
Karaikal, Puducherry UT.
3. Head of the Department,
Department of Soil Science and Agricultural Chemistry
Pandit Jawaharlal Nehru College of Agriculture &
Research Institute,
Karaikal, Puducherry UT.
4. Ms. A.Adithya
D/o. Mr.Arumugam
I Year Student,
Registration (ID) No.17UAG002
PAJANCOA & RI (Karaikal) Society,
Pandit Jawaharlal Nehru College of Agriculture &
Research Institute,
Karaikal, Puducherry UT.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, forbearing the respondents 1 and 2 from issuing Transfer Certificate to the fourth respondent, Ms.A.Adithya D/o. Mr.Arumugam, I year student in 2nd respondent Institution having Registration (ID) No.17UAG002, by considering the petitioner's representation dated 25.05.2018.

For Petitioner : Mr.R.Neelakandan

For RR-1 to 3 : Mr.J.Kumaran,
Govt.Advocate (Pondicherry)

Notice to R4 : Dispensed with

ORDER

This writ petition has been filed by the petitioner praying for the issuance of a writ of Mandamus, forbearing the respondents 1 and 2 from issuing Transfer Certificate to the fourth respondent, who is a first year student in the second respondent Institution having Registration (ID) No.17UAG002, by considering the petitioner's representation dated 25.05.2018.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an Assistant Professor in the Department of Soil Science and Agricultural Chemistry in Pandit Jawaharlal Nehru College of Agriculture & Research Institute at Karaikal, in Puducherry Union Territory. The fourth respondent herein, who has joined the First year in the second respondent Institution as a student, has given a complaint to the second respondent alleging that the petitioner herein has committed sexual harassment on her and accordingly, a criminal case was registered in Crime No.08 of 2018 for the offence under Section 354-A(I) (i) (ii) of IPC and subsequently, the petitioner herein was arrested and produced before the police. After discreet enquiry, the petitioner was placed under suspension on 14.02.2018. Seeking to revoke the said suspension order, the petitioner has made a representation to the first respondent on 24.02.2018 and also filed the above writ petition.

3. It appears that the Internal Committee for Prevention of Sexual Harassment on Women at Workplace has taken up enquiry on the above said complaint given by the fourth respondent. In the meanwhile, the father of the fourth respondent has approached the Institution for issuance of Transfer Certificate and the fourth respondent also has applied for 'No Objection' and the same are under process. Now, the petitioner has come forward with this writ petition forbearing the official respondents from issuing Transfer Certificate to the fourth respondent, who is the victim of the sexual harassment alleging that if the Transfer Certificate is given to the fourth respondent, who is the complainant in the criminal case and also the victim in the sexual harassment complaint, the proposed departmental enquiry may be delayed and hence, he has filed the above writ petition.

4. Mr.J.Kumaran, learned Government Advocate (Pondicherry), takes notice on behalf of respondents 1 to 3. Notice to the fourth respondent is dispensed with.

5. Learned counsel appearing for the official respondents would contend that the apprehension of the petitioner that if the Transfer Certificate is given to the fourth respondent herein, the departmental enquiry would be delayed is misconceived.

6. After hearing both the parties and also after perusing the documents filed before this Court, though the contention of the learned counsel for the official respondents is that the writ petition is misconceived, I find that it is not only misconceived but also mischievous in nature.

7. It is not in dispute that the fourth respondent herein is the complainant in Crime No.08 of 2018 for the alleged offence under Section 354-A (I) (i) (ii) of IPC and based upon the said complaint, enquiry by the Internal Committee for Prevention of Sexual Harassment on Women at Workplace of the Institution is going on. Now, the petitioner wants to prevent the fourth respondent from moving out of the college under the pretext that it may delay the domestic enquiry.

8. After going through the prayer and the averments made in the affidavit, I find that the petition is mischievous in nature and wants to give pressure to the victim girl so as to get a favourable order and the present writ petition has been filed preventing the fourth respondent herein/victim of sexual harassment from leaving the college, thereby exerting pressure upon the victim girl. Victims of Sexual Offences have to be given protection or otherwise, the law enacted for the purpose will not be enforced in its true letter and spirit. Viewing from this angle, I am not inclined to entertain the writ petition. Accordingly, this Writ Petition is dismissed.

9. Considering the mala fide intention of the petitioner in filing this writ petition with a view to harass the victim of sexual harassment so as to force her to withdraw the complaint, I am of the view that it is a fit case for imposing cost of Rs.5,000/- to the petitioner. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before the Puducherry Legal Service Authorities, Puducherry, within a period of two weeks from the date of receipt of a copy of this order.

The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

Jr1

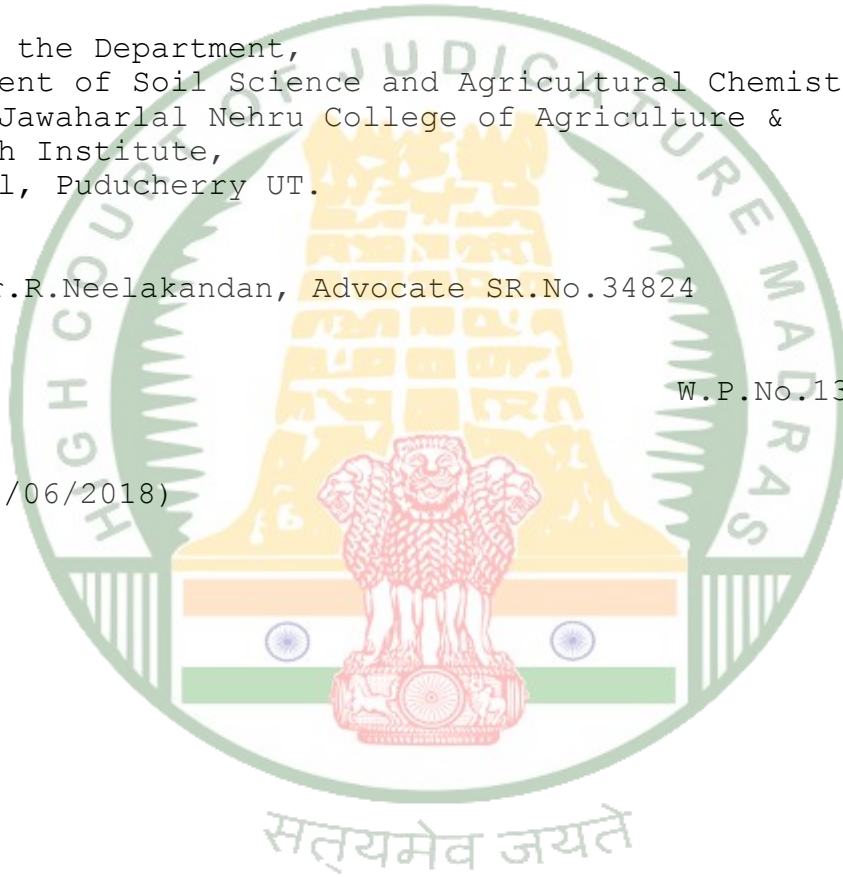
To

1. The Chief Secretary cum Chairman,
PAJANCOA & RI (Karaikal) Society,
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+1cc to Mr.R.Neelakandan, Advocate SR.No.34824

W.P.No.13020 of 2018

GJ(CO)
GN(18/06/2018)



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