

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07-03-2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15639 of 2018
And
W.M.P.No.18579 of 2018

Dr.M.Balamurugan

..Petitioner

- Vs. -

- 1.The Hon'ble Vice-Chancellor,
Dr.B.R.Ambedkar Administrative Block,
Pondicherry University,
Pondicherry-605 014.
- 2.Pondicherry University,
Represented by its Registrar,
Pondicherry-605 014.
- 3.Dr.P.K.Subramaniam,
Dean i/c.,
Pondicherry University,
Represented by its Registrar,
Pondicherry-605 014.
- 4.Dr.R.Chithra Sivasubramanian,
Professor and Head,
Department of Management Studies,
Pondicherry University,
Pondicherry-605 014.
- 5.Ms.XXXXXX....., (Name of R-5 not mentioned and mentioned
as "XXXX" as per Section 16 of the Sexual Harassment Act)
Trainee Teacher Education, M.Ed.,
School of Education,
Pondicherry University
(R-5 (Ms.XXXXXX...) suo motu impleaded vide order of Court
dated 18.2.2019 made in WP 15639 of 2018)

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 4 or their representative from conducting enquiry with regard to the complaint dated 14.12.2017 for which the enquiry was already conducted on 15.2.2018 as per the Pondicherry University Women's Cell notice dated 30.1.2018.

For Petitioner : Mr.N.G.R.Prasad for
M/s.Row and Reddy.

For Respondents-1to4 : Mrs.A.V.Bharathi

For Respondent-5 : Mrs.R.Vaigai,
Senior Counsel for
Mrs.S.Meenakshi.

O R D E R

The lis on hand is filed to forbear the respondents 1 to 4 or their representative from conducting enquiry with regard to the complaint dated 14.12.2017 for which the enquiry was already conducted on 15.2.2018 as per the Pondicherry University Women's Cell notice dated 30.1.2018.

2. The facts in nutshell to be considered for the purpose of disposing of the present writ petition is that the impleaded respondent, who is the student of the Pondicherry University, preferred the complaint of sexual harassment against the writ petitioner, who is holding the post of Professor in the University.

3. The complaint was submitted before the Women's Cell constituted by the Pondicherry University for the welfare of the girl students studying in the University.

4. The learned counsel, appearing on behalf of the University, also states that the Women Cell is a Welfare Centre for providing or implementing certain welfare activities to improve the activities of the girl students, who all are studying in the college.

5. However, the complaint of sexual harassment is yet to be dealt with by the properly constituted Committee with reference to Section 4 of the Sexual Harassment of Women at Workplace (Prevention, prohibition and Redressal) Act, 2013 and such a Committee has been already constituted.

6. It is pertinent to note that after making submissions, the learned counsel for the writ petitioner filed a memo on behalf of the writ petitioner, seeking permission of this Court to withdraw the writ petition.

7. However, the learned Senior Counsel, on request, assisted the Court on behalf of the complainant, has stated that on account of the interim stay granted by this Court in the present writ petition, the enquiry was stalled for about eight months and therefore, the Committee constituted under Section 4 of the Sexual Harassment Act is prevented from proceeding with

the enquiry in accordance with Section 11(4) of the Sexual Harassment Act. Under Section 11(4) of the Sexual Harassment Act, the Committee is bound to conclude the enquiry, within a period of 90 days. When the complaint is unable to be enquired into, within the time limit stipulated, the Committee must conclude the enquiry within a short span of period, as the complainant herself is having two more months of study in the University and thereafter, she has to pursue her higher studies elsewhere.

8. This Court is not adjudicating the issues on merits though the respective learned counsels appearing on either side argued the points on merits. After arguing the matter for a considerable length of time, the learned counsel for the writ petitioner filed a memo, seeking permission to withdraw the writ petition. Thus, this Court is not inclined to adjudicate the issues on merits.

9. The memo filed by the writ petitioner is accepted and he is permitted to withdraw the writ petition. In view of the withdrawal of the writ petition, the Sexual Harassment Committee, constituted under the Ordinances Governing administrative matters, is requested to conclude the enquiry and initiate all further proceedings in accordance with the provisions of the Sexual Harassment Act, within a period of five weeks from the date of receipt of a copy of this order.

10. In view of the above, the writ petition stands dismissed as withdrawn. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Hon'ble Vice-Chancellor,
Dr.B.R.Ambedkar Administrative Block,
Pondicherry University,
Pondicherry-605 014.

2.The Registrar,
Pondicherry University,
Pondicherry-605 014.

3.Dr.P.K.Subramaniam,
Dien i/c.,
Pondicherry University,
Represented by its Registrar,
Pondicherry-605 014.

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Professor and Head,
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Pondicherry-605 014.

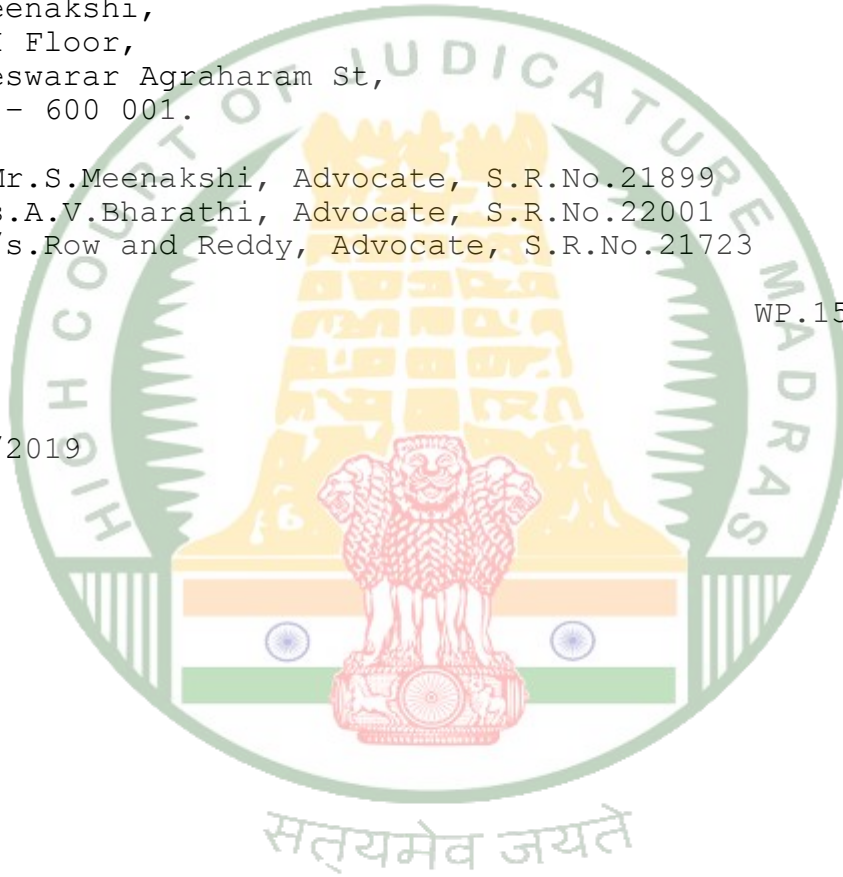
5.Mrs.S.Meenakshi,
21/12, I Floor,
Kachaleeswarar Agraharam St,
Chennai - 600 001.

+2ccs to Mr.S.Meenakshi, Advocate, S.R.No.21899
+1cc to Ms.A.V.Bharathi, Advocate, S.R.No.22001
+1cc to M/s.Row and Reddy, Advocate, S.R.No.21723

WP.15639 of 2018

VSNII(CO)

rrs 08/03/2019



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