

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 10.02.2020	Delivered on 12.02.2020
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CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.286 of 2020

and

WMP No.335 of 2020

Dr.M.Hema

.. Petitioner

.vs.

1. The Registrar,
Anna University,
Chennai.

2. The Additional Registrar (CCC),
Anna University,
Chennai.

3. The Dean Incharge,
University College of Engineering,
Thirukkuvalai,
Nagapattinam District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent vide memo no.UCE/THIRUKKUVALAI/PR/26/2019 dated 09.12.2019 and quash the same and consequently direct the first respondent to instate the petitioner into service.

For Petitioner : Mr.T.Muruganantham

For R 1 & R 2 : Mr.M.Vijayakumar
Standing Counsel

O R D E R

This Writ Petition has been filed challenging the Order of suspension passed by the 1st respondent by proceedings dated 09.12.2019.

2.The case of the petitioner is that she is working in the 3rd respondent College as an Assistant Professor. According to the petitioner, the Dean of the 3rd respondent College was sexually harassing her. The petitioner gave a complaint in this

regard to the 1st respondent on 10.10.2019. An enquiry was arranged by the 1st respondent on the basis of the complaint given by the petitioner against the Dean of the 3rd respondent College. The petitioner attended for the enquiry and it is the allegation made by the petitioner that the Committee was insisting the petitioner to withdraw the complaint and the petitioner refused to do so.

3.The 1st respondent by its proceedings dated 09.12.2019, placed the petitioner under suspension on the Charge that the petitioner has made baseless complaint against the Dean of the 3rd respondent College and she has made unwarranted statements to the Media and has caused disrepute to the College, teachers and students. The further Charge that was made against the petitioner was that she was uttering abusive words towards girl students and staff members. Aggrieved by this Suspension Order, the present Writ Petition has been filed before this Court.

4.The 1st respondent has filed a counter in this case. It has been stated in the counter affidavit that immediately after the complaint was received from the petitioner, a Committee was constituted with four members which also contained a senior lady faculty member. The Committee conducted a thorough enquiry and came to a conclusion that the petitioner and one Janaki ramya, who is also an Assistant Professor are the real trouble makers for both the students and the faculty members. The Committee found that the complaint made by the petitioner against the Dean was baseless and false. Based on this report given by the Committee, the 1st respondent has proceeded further to place the petitioner under suspension. It is further alleged in the counter affidavit that the petitioner was never compelled to withdraw the complaint. The 1st respondent has further stated that the enquiry was conducted in a fair and transparent manner by giving ample opportunity to the petitioner and statements were also recorded from the witnesses, who were none other than the students of the College. The 1st respondent has justified the Suspension Order issued against the petitioner and has sought for the dismissal of this Writ Petition.

5.The learned counsel for the petitioner submitted that the complaint given by the petitioner against the Dean of the 3rd respondent College, on the ground of sexual harassment was not properly enquired and the 1st respondent has proceeded to suspend the petitioner on unsubstantiated Charges. The learned counsel submitted that the petitioner has made a very serious allegation against the Dean of the 3rd respondent College and attempts are being made to cover up the misdeeds of the Dean by taking action against the petitioner. The learned counsel further

submitted that the 1st respondent did not constitute a Vishaka Committee to enquire into the sexual harassment complaint and therefore, the suspension must be revoked and the 1st respondent must be directed to constitute a Committee to enquire the complaint given by the petitioner.

6.Per contra, the learned counsel appearing on behalf of the 1st respondent submitted that the Committee constituted by the 1st respondent had thoroughly examined the complaint given by the petitioner and it has also taken the statements of the witnesses. The learned counsel further submitted that the petitioner had unnecessarily approached the Media and made baseless allegations against the Dean of the 3rd respondent College and thereby has brought disrepute to the College, teachers and students. The 1st respondent therefore thought it fit to initiate Departmental Proceedings against the petitioner and therefore, the petitioner has been placed under suspension and the 1st respondent has the authority to place the petitioner under suspension under the relevant Service Rules.

7.This Court has carefully considered the submissions made on either side and the materials available on record. This Court also had the opportunity of going through the entire files that was submitted by the 1st respondent.

8.It is seen from records that the petitioner had made a complaint on 10.10.2019, against the Dean of the 3rd respondent College on the ground that there is sexual harassment in the work place. A Committee was constituted by the 1st respondent which had the following members:

- 1.Dr.G.Nagarajan Legal Co-ordinator
- 2.Dr.S.Lakshmi Professor, Dept. of Civil Engg.
- 3.Dr.K.Annamalai Asso. Professor, Dept.of Automobile Engg.

4.Dr.S.Selladurai, Additional Registrar & Director, CCC

This Committee was constituted with the approval of the Vice Chancellor vide proceedings dated 23.10.2019. The Committee consisted of a Senior lady faculty member, who is also the Director of Centre for Women empowerment at Anna University and the member of Prevention of Sexual Harassment cell of Anna University. The members are from various other departments and effort was taken not to have any member from the same campus.

9.The Committee conducted an enquiry and the petitioner also participated in the enquiry. The statement of the petitioner as well as the Dean of the 3rd respondent College was recorded. Students were also called as witnesses. The Committee found that the petitioner has given a baseless

complaint against the Dean. The Committee also found during enquiry that the petitioner has used abusive language against the students and staff of the 3rd respondent College. The Committee submitted its report to the 1st respondent.

10.The 1st respondent took into account the report submitted by the Committee and also took into account the statements made by the petitioner in visual Media with regard to the alleged sexual harassment. The 1st respondent thought it fit to take control of the situation and therefore, decided to initiate Departmental Proceedings against the petitioner. Since the petitioner had gone to Media and given statements, the issue became public and as a result, a bad image was created against the 3rd respondent College. Therefore, the 1st respondent has proceeded to place the petitioner under suspension as per the provisions under the Statute 4(1)(a) of the Anna University Statutes of Disciplinary Procedure.

11.Insofar as the Suspension Order is concerned, this Court cannot interfere with the order unless it is found that the Suspension Order has been passed by an authority without jurisdiction or it is passed with malafide intention or it is in the nature of a punishment. In the present case, the Suspension Order does not fall under any of these heads. The 1st respondent had very strong reasons to suspend the petitioner more particularly since the petitioner went to the Media and created an embarrassment to the 3rd respondent College.

12.This Court does not find any ground to interfere with the impugned Suspension Order passed by the 1st respondent. The 1st respondent is directed to immediately start the Disciplinary Proceedings against the petitioner and give sufficient opportunity to the petitioner and complete the same within a period of eight weeks.

This writ petition is dismissed with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

KP

To

1.The Registrar,
Anna University,
Chennai.

2.The Additional Registrar (CCC),
Anna University,
Chennai.

3.The Dean Incharge,
University College of Engineering,
Thirukkuvalai,
Nagapattinam District.

+1 CC to Mr.M.Vijayakumar, Advocate sr 11048.

+1 CC to Mr.T.Muruganantham, Advocate sr 11742

W.P.No.286 of 2020

SR(CO)
SP(27/02/2020)