



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD)No.1783 of 2020

and

W.M.P.(MD)Nos.1505, 1507 to 1509 of 2020

WEB COPY

A.Pasupathy ... Petitioner

/vs./

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Higher Education,
Fort St George, Chennai.
- 2.The Director of Collegiate Education,
O/o. The Director of Collegiate Education,
DPI Campus, College Road, Chennai 600034.
- 3.Urumu Dhanalakshmi College,
Represented by its Secretary,
Kalki Ramakrishnan,
having office at Urumu Dhanalakshmi College,
Tiruchirapalli.
- 4.The Secretary, College Committee,
Urumu Dhanalakshmi College, Trichy District.
- 5.Dr.S.Aruna Devi, Assistant Professor,
Department of Chemistry,
Urumu Dhanalakshmi College, Trichy District.
- 6.The Internal Complaints Committee,
Represented by its Presiding Officer,
Dr.B.J.Parimala Kalarani, Urumu Dhanalakshmi College,
Trichy District - 19. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Appointment order dated 25.10.2019 on the file of the respondent No.3 and quash the same as illegal and consequently direct the respondent No.3 to reconstitute the Internal Complaints Committee under an Independent unbiased officer as the presiding officer along members in accordance with Section 4 of the Sexual harassment at Work places Act, 2013.

For Petitioner

: Mr.T.Lajapathi Roy

For R-1 & R-2

: Mr.R.Sethuraman

Special Government Pleader

ORDER

This writ petition has been filed calling for the records pertaining to the Appointment order dated 25.10.2019 on the file of

<https://hcservices.ecourts.gov.in/hcservices/>



the respondent No.3 and quash the same as illegal and consequently direct the respondent No.3 to reconstitute the Internal Complaints Committee under an Independent unbiased officer as the presiding officer along members in accordance with Section 4 of the Sexual harassment at Work places Act, 2013.

WEB COPY

2. By placing reliance on the Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the learned counsel for the petitioner would submit that the appointment of one Dr.Mrs.B.J.Parimala Kalarani, as the Presiding Officer of the Internal Complaints Committee to conduct enquiries is not permissible, since she does not belong to the same workplace from amongst the employees.

3. Proviso to Section 4 (2) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, states that when in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation.

4. In the present case, the Presiding Officer, who has been appointed hails from the Department of Bank Management, Urumu Dhanalakshmi College, Trichy, which is a Department of the petitioner College, namely, Urumu Dhanalakshmi College. When the proviso to Section 4(2) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, empowers the respondents to appoint such a Presiding Officer, the same cannot be found fault with. As such, I do not find infirmity in the impugned appointment order dated 25.10.2019 on the file of the third respondent. This Writ Petition stands dismissed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sm

To

- 1.The Principal Secretary,State of Tamilnadu,
Department of Higher Education,Fort St George, Chennai.
- 2.The Director of Collegiate Education,
O/o. The Director of Collegiate Education,
DPI Campus, College Road, Chennai 600034.

Order made in

W.P. (MD)No.1783 of 2020

Dated: 29.01.2020