



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.4190 of 2016

K.Prema

... Petitioner

Vs.

1. Mononmaniam Sundaranar University,
Rep. by. The Registrar,
Abishekappatti,
Tirunelveli - 627 012.

2. John Britto, Registrar,
Mononmaniam Sundaranar University,
Abishekappatti,
Tirunelveli - 627 012.

3. The Inspector of Police,
Pettai police station,
Tirunelveli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to lodge a complaint with the 3rd respondent and consequently direct the 3rd respondent to register the complaint and investigate the same in accordance with law.

For Petitioner	: M/s.D.Geetha
For R-1&R-2	: Mr.M.Mahaboob Athif, for M/s.Ajmal Associates.
For R-3	: Mr.A.Robinson, Government Advocate(Crl. Side).

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for respondents 1 and 2 and the learned Government Advocate(Crl. Side) appearing for the third respondent.

2. The petitioner's case is that she was a student of Manonmaniam Sundaranar University. She alleges that the Assistant Professor, by name, Vinod Vincent Rajesh committed acts of sexual harassment. He was the Assistant Professor in the History Department. Based on the complaint lodged by the petitioner and the other victims, a committee was constituted to enquire into the same.



3. The petitioner's counsel points out that the committee found the said perpetrator guilty of the acts alleged against him. The syndicate of the University passed a resolution dated 01.02.2016 accepting the report of the committee and resolved to treat his period of suspension as punishment. Stoppage of two increments with cumulative effect was also ordered. The perpetrator was severely warned not to repeat the acts in question.

4. The petitioner's grievance is that the action taken by the university is wholly insufficient. The petitioner's counsel would draw my attention to Section 11 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 which mandates that the local committee shall, if *prima facie* case exist, forward the complaint to the police, within a period of seven days for registering the case under Section 509 of I.P.C. and any other relevant provisions of the said Code where applicable. In the case on hand, the university has failed to forward the complaint to the jurisdictional police.

5. The learned Standing counsel appearing for the university states that he would get instructions from the university as to whether any such action has been taken or not.

6. I am of the view that it not necessary to adjourn this writ petition for the said purpose.

7. The first respondent is directed to take action as per Section 11 of the Central Act 14 of 2013 by forwarding the complaint dated 21.07.2015 to the third respondent for taking appropriate action in accordance with law, if the first respondent has not already forwarded the same.

8. It is seen that the cause of action arose in the year 2015. The complaint had been made in July 2015 itself. This writ petition itself was filed way back in February 2016. Unfortunately the case has been taken up for final disposal only in January 2020. It is seen that the offence under Section 509 of I.P.C. is punishable only up to three years. Therefore, neither the third respondent nor the jurisdictional Magistrate will close the complaint on the ground of infraction of the statutory mandate under Section 468 of Cr.P.C. This is because, the writ petition filed by the petitioner has been pending before this Court for full four years.

9. The first respondent shall forward the complaint along with the committee's report dated 14.08.2015 within a period of three weeks from the date of receipt of a copy of this order. The third respondent will register the First Information Report on the said complaint without any delay thereafter and conclude the



investigation on merits and in accordance with law within a period of three months, thereafter.

10. The writ petition stands allowed on these terms. No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Pmu

To:

The Inspector of Police,
Pettai police station,
Tirunelveli.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-3061[F] dated 27/01/2020)

+1 CC to M/s.D.GEETHA, Advocate (SR-3414[F] dated 28/01/2020)

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