



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2021

CORAM

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5132 of 2021

and

W.M.P (MD) No.4119 of 2021

A.Pasupathy

... Petitioner

Vs .

1. The Director of Collegiate Education,
O/o. The Director of Collegiate Education,
DPI Campus,
College Road,
Chennai-600 034.
2. Urumu Dhanalakshmi College,
Represented by its Secretary Kalki Ramakrishnan,
having Office at Urumu Dhanalakshmi College,
Tiruchirapalli.
3. The Secretary,
College Committee,
Urumu Dhanalakshmi College,,
Trichy District.
4. S.Aruna Devi,
Assistant Professor,
Department of Chemistry,
Urumu Dhanalakshmi College,
Trichy District.
5. The Internal Complaints Committee,
Rep by its Chairperson,
Urumu Dhanalakshmi College,
Trichy District-19.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondent No.1, 2, 3 and 5 to conduct the Enquiry proceeding in strictly accordance with the procedure established under the Prevention of Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Rules 2013.



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For Petitioner : Mr.T.Lajapathi Roy
For R-1 : Mr.P.Mahendran,
Additional Government Pleader
For R-2 to R-5 : Mr.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chamber

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The limited grievance of the petitioner is that in the departmental action against the petitioner for alleged charges of sexual harassment, the Enquiry Officer is deviating from the procedure prescribed under the Prevention of Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Rules 2013.

3.It is needless to point out that in any departmental action, the Enquiry Officer as well as the Disciplinary Authority are mandated to follow the rules and regulations governing such enquiry and no specific direction requires to be given, particularly by invoking under Article 226 of the Constitution of India. In other words, it is the bounden duty on the part of the Authority handling the departmental enquiry to follow the procedure under law. As such, the apprehension of the petitioner that they are deviating, need not be specifically addressed or directed.

4.Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

// True Copy //

/ /2021
Sub Assistant Registrar(CS-)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



To: -

The Director of Collegiate Education,
O/o. The Director of Collegiate Education,
DPI Campus,
College Road,
Chennai-600 034.

+1 CC to M/s.ISAAC CHAMBERS, (SR-10266[F] dated 11/03/2021)
+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-10284[F] dated 11/03/2021)
+1 CC to SPECIAL GOVERNMENT PLEADER (SR-10580[F] dated 11/03/2021)

CP

TE : 30/03/2021 : 3P/5C

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