



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22642 of 2021

and

W.M.P. (MD)No.19139 of 2021

WEB COPY

Hemalatha

... Petitioner

versus

1. The Chief Education Officer,
Theni,
Theni District.
2. The District Education Officer,
Uthamapalayam,
Theni District.
3. The Secretary,
T.P.V.V.U. Gurukkal Middle School,
Chinnamanur,
Theni District.

4. Selvanadhan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings in Na.Ka.No.3353-A3-2018, dated 01.09.2021 on the file of the second respondent and quash the same and further direct the respondents 1 to 3 herein to form a fresh internal complaints committee strictly in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and complete the inquiry within the time frame stipulated by this Court.

For Petitioner: Mr.P.Samuel Gunasingh

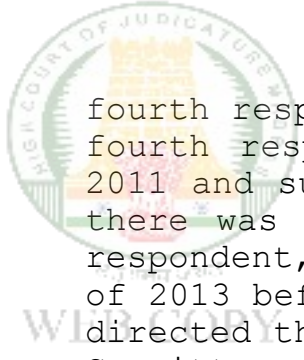
For R1 and R2 : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition is filed as against the proceedings of the second respondent passed in Na.Ka.No.3353-A3-2018 dated 01.09.2021, in and by which, the second respondent constituted a Internal Complaints Committee as per Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

2. The petitioner, who is working as Craft Teacher in the Gurukkal Middle School, Chinnamanoor, was sexually abused by the

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



fourth respondent herein. Hence, she lodged a complaint against the fourth respondent and a case has been registered in Cr.No.211 of 2011 and subsequently, he was remanded by the concerned Police. As there was no departmental proceedings initiated against the fourth respondent, the petitioner filed a writ petition in W.P.(MD)No.5182 of 2013 before this Court. This Court, vide order dated 08.03.2018, directed the respondents 1 and 2 to constitute a Internal Complaints Committee in consonance with Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. In compliance of the order of this Court dated 08.03.2018, passed in W.P.(MD)No.5182 of 2013, the second respondent constituted a Internal Complaints committee, vide proceedings dated 01.09.2021.

3. Now, it is the grievance of the petitioner that the Internal Complaints Committee has not been constituted in consonance with Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. As per Section of 4 of the Act, the Internal Complaints Committee must be headed by a woman member. But, the second respondent constituted the Internal Complaints Committee by appointing a male member as Presiding Officer. Apprehending that the Internal Complaints Committee, which has not been constituted as per the mandate of the said Act, cannot hold a proper enquiry, she has filed this writ petition, challenging the proceedings of the second respondent dated 01.09.2021.

4. Mr.S.Shaji Bino, learned Special Government Pleader, who takes notice on behalf of the respondents 1 and 2, submits that the second respondent, vide his proceedings dated 20.12.2021, directed the third respondent to reconstitute the Internal Complaints Committee as per Section 4 of the Act, conclude the enquiry and submit a report within a period of one week. He has also produced a copy of the proceedings dated 20.12.2021 before this Court.

5. In view of the proceedings dated 20.12.2021 passed by the second respondent, directing the third respondent to reconstitute the Internal Complaints Committee, complete the enquiry and submit a report within one week, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ogy



- To
1. The Chief Education Officer,
Theni,
Theni District.
 2. The District Education Officer,
Uthamapalayam,
Theni District.
 3. The Secretary,
T.P.V.V.U. Gurukkal Middle School,
Chinnamanur,
Theni District.

+1 CC to M/s.G.RAJARAMAN, Advocate (SR-39918[F] dated 22/12/2021)

W.P (MD) No.22642 of 2021
21.12.2021

ck(CO)
TR(11.02.2022) 3P 5C