



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3755 of 2022

B.Arunkumar

... Petitioner

vs.

1.The Chief Educational Officer
O/o.the Chief Educational Officer
Dindigul, Dindigul District

2.The District Educational Officer
O/o.the District Educational Officer
Vedasandur, Dindigul District

3.The District Educational Officer
O/o.the District Educational Officer
Dindigul, Dindigul District

4.R.Nagarani
Headmistress
Government Girls Higher Secondary School
Vedasandur, Dindigul District

5.The Commissioner of School Education
Directorate of School Education
DPI Complex, College Road
Chennai-600 006

... Respondents

[R5 is impleaded vide Court order dated
15.03.2022 in W.M.P.(MD) No.3564 of 2022]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the Respondent No.1 to form the Internal Complaints Committee as per Sect.4 of Sexual Harassment of Women at Work Place (Prevention prohibition and Redressal) Act, 2013 and enquire on the complaints against the petitioner based on the Petitioner's representation dated 19.02.2022 within the time stipulated by this Court.

For Petitioner : Mr.Louis.S.

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R3

O R D E R

The relief sought for in this writ petition is to direct the first respondent to form Internal Complaints Committee as per Section 4 of Sexual Harassment of Women at Workplace (Prevention,



Prohibition and Redressal) Act, 2013 [for brevity, "the Act"] and enquire on the complaints filed against the petitioner based on his representation dated 19.02.2022 within the time stipulated by this Court.

2. The grievance of the petitioner that a false complaint has been given against him with an allegation of sexual harassment at workplace. Instead of conducting an enquiry through Internal Complaints Committee under Section 4 of the Act, the respondents have initiated actions under the Discipline and Appeal Rules. Further, the Committee constituted initially by the respondents was not in accordance with Section 4 of the Act. When the Internal Complaints Committee was not constituted in accordance with Section 4 of the Act, this Court directed the Additional Government Pleader to get instructions in this regard.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3 furnished a copy of the proceedings dated 11.04.2022, which reveals that a revised Internal Complaints Committee has been constituted as per Section 4 of the Act.

4. In view of the fact that the relief sought for in this writ petition is for constitution of Internal Complaints Committee under Section 4 of the Act and now, the learned Additional Government Pleader furnished a copy of the proceedings showing that Internal Complaints Committee has been constituted as per Section 4 of the Act, no further consideration is required in this matter. Further, the Internal Complaints Committee constituted shall conduct an enquiry by following the procedures contemplated and by affording opportunity to all the parties and complete the proceedings as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

5. The petitioner is directed to cooperate for early disposal of the enquiry proceedings and in the event of non-cooperation, the same shall be recorded in the proceedings itself and in such circumstances, the petitioner is not entitled for any relief on the ground of delay in disposal of the proceedings.

6. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Dindigul, Dindigul District.
- 2.The District Educational Officer,
O/o.the District Educational Officer,
Vedasandur, Dindigul District.
- 3.The District Educational Officer,
O/o.the District Educational Officer,
Dindigul, Dindigul District.

+1 CC to M/s.SPL.GP. (SR-18586[F] dated 13/04/2022)

W.P. (MD) No.3755 of 2022
12.04.2022

RD(22.04.2022) 3P 5C