



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.7515 of 2022

WEB COPY

Urumu Dhanalakshmi College,
Rep., by its Secretary,
Trichy District-620 019.

... Petitioner

-vs-

1. The Director of Collegiate Education,
DPI Campus, College Road
Chennai - 600 006.

2. The Regional Joint Director of
Collegiate Education,
Trichy Region, Trichy - 620 023.

3. A. Pasupathy

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent Director of Collegiate Education to consider and pass orders forthwith on the proposal submitted to him by the petitioner-college dated 12.01.2022 seeking approval to the proposed punishment of dismissal of the 3rd respondent Dr.A.Pasupathy from service as Associate Professor (Chemistry) under section 19 of the Tamil Nadu Private Colleges (Regulations) Act, 1976.

For Petitioner : Mr.Isaac Mohanlal
Senior Counsel
assisted by Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
For RR1 & 2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

O R D E R

The Writ of Mandamus has been filed to direct the 1st respondent-Director of Collegiate Education to consider and pass orders forthwith on the proposal submitted to him by the petitioner-college dated 12.01.2022 seeking approval to the proposed punishment of dismissal from service of the 3rd respondent, Dr.A.Pasupathy as Associate Professor (Chemistry) under section 19 of the Tamil Nadu Private Colleges (Regulations) Act, 1976.

2. The petitioner is Urumu Dhanalakshmi College. The case of the petitioner is that departmental disciplinary proceedings were initiated against the 3rd respondent for the allegation of sexual



harassment in workplace and subsequently, an Internal Complaints Committee was constituted under the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the "Act" for brevity). The Internal Complaints Committee conducted an inquiry and submitted a report holding that the charges against the 3rd respondent are proved. The report was submitted on 29.03.2021. In view of the fact that the charges of sexual harassment against the 3rd respondent are proved, the petitioner-College has taken a decision to inflict the punishment of dismissal from service. Accordingly, they have sent a proposal for approval of the 1st respondent on 12.01.2022.

3. The grievance of the writ petitioner is that already three months lapsed and the 1st respondent has not passed any orders. The petitioner-college sent a reminder on 08.02.2022 and even thereafter, there is no response from the 1st respondent.

4. The learned counsel for the petitioner made a submission that in view of the fact that the allegations against the 3rd respondent are serious, his continuance in the college would cause inconvenience and embarrassment to the college management, as the sexual harassment allegations are held proved by the Internal Complaints Committee under the Act. Further, the 3rd respondent is due to retire shortly. In view of such emergency, the petitioner has filed the present writ petition.

5. The learned Additional Government Pleader, on instructions from the 1st respondent and also from the 2nd respondent, who is present before this Court, made a submission that the authorities have received the proposal and actions are initiated and final orders will be passed on merits and in accordance with law within a period of two weeks from today.

6. In view of the said submission made by the learned Additional Government Pleader, the 1st respondent is directed to consider the proposal submitted by the petitioner-college and take appropriate decision and pass orders within a period of two weeks from today, i.e., 21.04.2022 and communicate the same to the petitioner-college.

7. With the above directions, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1. The Director of Collegiate Education,
DPI Campus, College Road
Chennai - 600 006.

2. The Regional Joint Director of Collegiate Education,
Trichy Region, Trichy - 620 023.

+1 CC to M/s.K.RAGATHEESH KUMAR (ISAAC CHAMBERS), Advocate
(SR-20176[F] dated 21/04/2022)

W.P.(MD) No.7515 of 2022
21.04.2022

KG (CO)

GC (21.04.2022) 3P 4C