



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14792 of 2020

WEB COPY

B.Gokilapandian

... Petitioner

vs.

1.The District Educational Officer
Theni District Educational Office
Allinagaram, Theni
Theni District

2.M.Vanitha
B.T.Assistant (English)
Panchayat Union Middle School
Nariyuthu, Aundipatti Taluk
Theni District-625 579

3.S.Ramalakshmi
B.T.Assistant (Science)
Panchayat Union Middle School
Nariyuthu, Aundipatti Taluk
Theni District-625 579

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the Respondent No.1 to initiate department proceedings against the Respondents No.2 and 3 by considering the petitioner's representations, dated 13.11.2019 and 14.02.2020 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

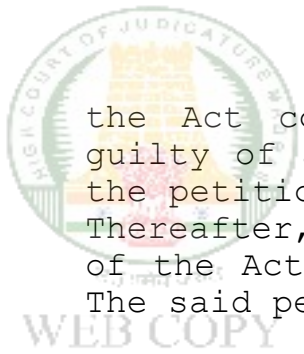
For Respondents : Mr.G.V.Vairam Santhosh

Additional Government Pleader for R1

O R D E R

The relief sought for in this writ petition is to direct the first respondent to initiate departmental proceedings against the respondents 2 and 3 by considering the petitioner's representations, dated 13.11.2019 and 14.02.2020.

2. The learned counsel appearing for the petitioner contended that a false complaint has been given against the petitioner under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for brevity "the Act"). Internal Complaints Committee constituted under Section 4 of



the Act conducted enquiry and found that the petitioner is not guilty of any of the allegations raised by the complainant. Thus, the petitioner was exonerated from the allegations made against him. Thereafter, the petitioner submitted an application under Section 14 of the Act to initiate appropriate action against the complainant. The said petition is yet to be considered.

3. This Court is of the considered opinion that when the provisions of the Act contemplates certain actions, the same are to be followed in all respects. If at all the aggrieved person is of the opinion that the Committee has not gone into certain aspects of the mater, he is also entitled to prefer appeal or otherwise under the provisions of the Act. In all such circumstances, the Competent Authority is bound to act by following the procedures contemplated under the Act. Thus, the first respondent shall proceed in accordance with law and by following the procedures contemplated.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To:

The District Educational Officer,
Theni District Educational Office,
Allinagaram, Theni,
Theni District.

+1 CC to M/s.SPL.GP (SR-16672[F] dated 05/04/2022)

+1 CC to M/s.S. LOUIS, Advocate (SR-16964[F] dated 06/04/2022)

W.P. (MD) No.14792 of 2020

04.04.2022

RK(13/04/2022) 2P 4C