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W.P.No.4189 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.4189 of 2023 &
W.M.P.No.4223 of 2023**

Dr.A.Manimekalan

... Petitioner

VS.

1.The Registrar,
Bharathiar University,
Coimbatore - 641 046.

2.Dr.B.Sathiyapriya,
Assistant Professor,
Department of Environmental Sciences,
Bharathiar University,
Coimbatore - 641 046.

3.D.Prabha,
Assistant Professor,
Department of Environmental Sciences,
Bharathiar University,
Coimbatore - 641 046.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorari calling for the records of the respondents in his proceedings No.C6/IC/2100/18-1/2023 dated 30.01.2023 and to quash the same as being illegal and unsustainable in law.



For Petitioner : Mrs.Kavitha Nithyanandan

For Respondent 1 : Mr.C.Vigneswaran, Standing Counsel,
Assisted by Mr.P.Vasantha Kumar

ORDER

This writ petition has been filed challenging the communication dated 30.01.2023 received by the petitioner from the first respondent calling upon the petitioner to offer his remarks with regard to the sexual harassment complaint given by the second and third respondents against the petitioner within a period of seven days from the date of the receipt of a copy of the said communication.

2. Mr.C.Vigneswaran, learned Standing Counsel assisted by Mr.P.Vasantha Kumar, learned counsel accepts notice on behalf of the first respondent. Since no adverse orders are going to be passed against the second and third respondent, notice to the said respondents is dispensed with by this Court. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.



3. Heard Mrs.Kavitha Nithyanandan, learned counsel for the petitioner and Mr.C.Vigneswaran, learned Standing Counsel assisted by Mr.P.Vasanth Kumar, learned counsel for the first respondent.

4. The petitioner has challenged the impugned communication dated 30.01.2023 on the ground that once an Internal Complaints Committee (ICC) has been constituted, the first respondent being the employer has no role to play.

5. It is brought to the notice of this Court that the Internal Complaints Committee, as seen from the communication dated 14.02.2023 sent to the petitioner, has called upon the petitioner to attend the hearing of the Internal Complaints Committee meeting to be held on 17.02.2023 at 3.00 pm in the Syndicate hall at the respondent University.

6. Therefore, in the considered view of this Court, since the Internal Complaints Committee has called upon the petitioner to attend the meeting on 17.02.2023 to submit his explanations/objections with regard to the sexual harassment complaint given by the second and third respondents, the



question of entertaining this writ petition in respect of the challenge made by the petitioner with regard to the prior communication sent by the first respondent to the petitioner calling upon the petitioner to submit his remarks with regard to the said sexual harassment complaint, will not arise.

7. However, learned counsel for the petitioner would submit that till date, the petitioner has not been provided with the copy of the alleged sexual harassment complaint dated 08.06.2022 given by the second and third respondent against him.

8. Necessarily, the Internal Complaints Committee of the first respondent University has to furnish a copy of the complaint dated 08.06.2022 to the petitioner to enable the petitioner to submit his objections with regard to the same.

9. Learned Standing Counsel appearing for the first respondent also submits that the Internal Complaints Committee shall furnish a copy of the complaint dated 08.06.2022 as well as any other documents which is the basis for the sexual harassment complaint given by the second and third



respondents to the petitioner, before proceeding with the enquiry. The said undertaking given by the first respondent is recorded.

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10. After recording the rival submissions, this writ petition is **disposed of** by directing the Internal Complaints Committee of the first respondent University to furnish a copy of the Sexual Harassment Complaint dated 08.06.2022 as well as other documents based on which the said complaint has been given by the second and third respondents to the petitioner, before the next hearing date of the Internal Complaints Committee meeting and thereafter, the said Committee shall follow the procedure prescribed under the Prevention of Sexual Harassment at Workplace Act. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2023

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Note: Issue order copy **on 21.02.2023.**

Index : Yes/No

Speaking/Non speaking orders

Neutral citations : Yes/No



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To

- 1.The Registrar,
Bharathiar University,
Coimbatore - 641 046.



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ABDUL QUDDHOSE, J.

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