



W.P.(MD)No.2658 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2658 of 2023

and

W.M.P.(MD)No.2425 of 2023

B.Gokilapandian

... Petitioner

Vs.

1.The Director of Elementary Education,
O/o. the Director of Elementary Education,
DPI Compound,
College Road,
Chennai - 620 006.

2.The Chief Educational Officer
O/o. the Chief Educational Officer,
Theni,
Theni District.



W.P.(MD)No.2658 of 2023

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3.The District Educational Officer,
(Elementary Education),
Theni,
Theni District.

4.The Inspector of Police
All Women Police Station,
Theni,
Theni District.
(Crime No. 60/2022)

5.M.Eswari

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the second respondent to form the Internal Complaints Committee as per Section 4 of Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 and enquire on the complaints against the petitioner as contained in Crime No. 60/2022 on the file of the fourth respondent.



W.P.(MD)No.2658 of 2023

For Petitioner : Mr.S.Louis

For Respondents : Mr.S.Saji Bino - for R1 to R4
Special Government Pleader

ORDER

This writ petition has been filed to direct the second respondent to form the Internal Complaints Committee as per Section 4 of Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 and enquire on the complaints against the petitioner as contained in Crime No. 60/2022 on the file of the fourth respondent.

2. The case of the petitioner is that the petitioner was appointed as a Secondary Grade Teacher on 22.01.2001 and considering his unblemished work, he was promoted as B.T Assistant (Maths) on 18.09.2012 and posted in Panchayat Union Middle School, Nariyuthu, Theni District. At present, he is working in Kamarajapuram Pachayat Union Middle School. The fourth respondent Law Enforcing Agency registered a case against the



W.P.(MD)No.2658 of 2023

petitioner for the alleged offence punishable under Sections 354D, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022 in Crime No.60 of 2022, on 25.11.2022 at the instance of the defacto complainant namely, Eswari, the Headmistress of the said School. There were several complaints against the Headmistress, including misappropriation of funds given by the Government. The petitioner exposed her illegal activities like misappropriation of funds, communal disparity among the students and selling of free Text Books kept for Book Bank. After preliminary enquiries held on 15.11.2022 by the District Education Officer (Elementary), Theni, on 17.11.2022 by the Block Educational Officer-II, Myladumparai, furnish a report on 21.11.2022 for necessary disciplinary action against the Headmistress. While-so, she was placed under suspension from 30.11.2022. In order to wreck vengeance, the defacto complainant gave a false complaint against the petitioner , however, till date the complaint is pending without forming the VISAGA committee, for concluding the disciplinary proceedings against the petitioner. Hence, the present writ petition is filed.



W.P.(MD)No.2658 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that pursuant to the criminal case registered against the petitioner, the petitioner approached this Court by filing a petition for Anticipatory Bail in CrI.O.P. (MD) No.21691 of 2022 before this Court and this Court vide order, dated 14.12.2022 granted Anticipatory Bail with condition that the petitioner shall file an affidavit that he would appear before the Visaka Committee in a case relating to the allegation of sexual harassment in working place. Accordingly, the petitioner furnished an affidavit dated 27.12.2022. However, till date, the enquiry was not conducted. Accordingly, he prayed for appropriate orders.

4. The learned counsel for the petitioner further submitted that it would suffice this Court may issue a direction to the second respondent to conclude the Visaka Committee enquiry within a reasonable time.

5. Heard the learned counsel on either side and perused the materials available on record.



W.P.(MD)No.2658 of 2023

WEB COPY

6. Considering the limited request made by the learned counsel for the petitioner, this Court directs the second respondent to conclude the Visaka Committee enquiry, after providing necessary opportunity to the parties concerned and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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W.P.(MD)No.2658 of 2023

M.DHANDAPANI,J.

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W.P.(MD)No.2658 of 2023

09.02.2023