



W.P.(MD) No.5537 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.5537 of 2020
and WMP(MD) No.4838/2020

K.S.Jayachandran

... Petitioner

-VS-

1.The State of Tamil Nadu
Rep. by the Commissioner of Police,
Tiruchirappalli City, Tiruchirappalli.

2.The Chairperson
Internal Complaint Committee
Bharathidasan University
Tiruchirappalli

3.The Inspector of Police,
All Women Police Station,
Thiruverambur

4.Santhiya

5.K.Ramya

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent to hold a proper enquiry after accepting the petitioner's further explanation and



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consequently direct to conduct conciliation under section 10 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013.

For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.S.P.Maharajan for R1 & R3
Special Government Pleader
Mr.VR.Shanmuganathan for R2
Mr.T.Leninkumar for R4

ORDER

This writ petition has been filed for a mandamus to direct the 2nd respondent Committee to hold a proper enquiry after accepting the petitioner's further explanation and consequently direct to conduct conciliation under section 10 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013.

2.The case of the petitioner in nutshell is as follows:

The petitioner is Doctorate in Biochemistry holding dual Guideship in Bioinformatics and Biochemistry and he is the patent right holder with respect to the study of Cardio Protective Crataegus Oxycantha, a research in Biochemistry. He joined in the Bharathidasan University as



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Assistant Professor in Bioinformatics and is working from the year 2011.

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While so, the 4th respondent was referred to the petitioner herein for pursuing Ph.D., in Biochemistry under his supervision. The petitioner could not admit students in Biochemistry and he can admit students only in Bioinformatic department, for which, he is an Assistant Professor, in the College as per the Regulations for Ph.D.

3. It is his case that though he possessed dual guideship, as per the regulations, he could not assist the students in Biochemistry and hence, he expressed his inability to the 4th respondent. However, the father of the 4th respondent pressurizing him to assist his daughter without knowing the regulations. While so, all of a sudden, at the instigation of the father of the 4th respondent, a complaint came to be lodged against the petitioner by the 4th respondent on 25.01.2020 before the Registrar and an explanation was also called for, pursuant to which, the petitioner has also submitted his explanation on 06.02.2020. Subsequently a complaint came to be lodged before the 3rd respondent police and a case has been registered in Crime No.



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6/2020 for offence under Section 354(A) IPC on 25.02.2020 and bail was granted. Subsequently another communication dated 11.01.2020 was received under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (hereinafter referred to as 'the Act'), pursuant to which, the petitioner has also submitted a detail explanation. It is further averred that a similar complaint also lodged by the 5th respondent on 09.01.2020. Therefore, the petitioner is before this Court with the aforesaid prayer.

4. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence as stated in the complaint and it is only at the instigation of the father of the 4th respondent. He would further submit that in a hurried manner, the enquiry has been conducted. Therefore, he prays for appropriate direction.

5. The learned counsel for the 4th respondent would submit that before initiating enquiry, Section 10 of the Act contemplates for conciliation proceedings. However, in the present case, already enquiry is completed at



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the instance of the victim and not at the instance of the petitioner and enquiry report is made ready and the same is produced before this Court and hence, this Court may pass appropriate orders, it is contended.

6. In response to the same, the learned counsel for the petitioner made a submission that a direction may be issued to the respondents to communicate the enquiry report to the petitioner enabling him to work out his remedy.

7. Considering the submission made on either side, this Court is inclined to issue a direction to the 2nd respondent to communicate the enquiry report to the petitioner and after hearing the petitioner, pass appropriate orders enabling the petitioner to work out his remedy in the manner known to law.

8. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

19.01.2023

NCC : Yes/No
Index : Yes/No
RR



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- To
- 1.The Commissioner of Police,
Tiruchirappalli City
Tiruchirappalli.
 - 2.The Chairman
Internal Complaint Committee
Bharathidasan University
Tiruchirappalli
 - 3.The Inspector of Police,
All Women Police Station,
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M.DHANDAPANI, J.

RR

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