



W.P.(MD).No.30483 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30483 of 2023

and

W.M.P(MD) Nos.26231 and 26232 of 2023

Dr.L.Praveen Peter Gnaniah, M.A., Ph.d.,
Assistant Professor of Tamil Department
(under suspension)
Nazareth Margoschis College at Pillaiyanmanai,
Nazareth – 628 617,
Thoothukudi District.

... Petitioner

Vs.

1. The Regional Joint Director,
Collegiate Education,
Tirunelveli Region,
Tirunelveli.
2. The Secretary/Correspondent,
Nazareth Margoschis College at Pillaiyanmanai,
Nazareth – 628 617,
Thoothukudi District.
3. The Convenor,
Women Harassment Cell,
Nazareth Margoschis College at Pillaiyanmanai,
Nazareth – 628 617,
Thoothukudi District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the third respondent in connection with the impugned enquiry notice issued by him vide his proceedings in No.M290/F.92/2023-24, dated 15.12.2023 and quash the same as illegal, arbitrary in view of Rule 7 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules 2013 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.N.GA.Natraj
Government Advocate – for R1
: Mr.N.Dilipkumar – for R2 and R3

ORDER

The present writ petition has been filed by a delinquent officer who is facing an enquiry before the Internal Compliance Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

2. According to the learned counsel appearing for the writ petitioner, the petitioner has not been served with the copy of the complaint, or has been provided with the documents which are relied upon by the victim in support of her complaint.



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3. Per contra, the learned counsel appearing for the respondents 2 and 3 submits that when attempt was made to serve the copy of the complaint to the writ petitioner, he has refused to receive it and hence, the same was read over to him and videographed. The learned counsel appearing for the respondents 2 and 3 further submit that they are ready to furnish the copies of all the documents which are relied upon by the victim in support of her case.

4. In view of the above said facts, this Court is inclined to pass the following orders:

(i) The respondents 2 and 3 are directed to send a copy of the complaint along with all the documents relied upon by the victim through Registered Post to the writ petitioner on or before **28.12.2023**;

(ii) The respondents 2 and 3 are directed to fix the enquiry date on **10.01.2024**; and

(iii) The petitioner is directed to co-operate for the conduct of the enquiry.



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5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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

Note: Issue order copy on 21.12.2023

To

1. The Regional Joint Director,
Collegiate Education,
Tirunelveli Region,
Tirunelveli.
2. The Secretary/Correspondent,
Nazareth Margoschis College at Pillaiyanmanai,
Nazareth – 628 617,
Thoothukudi District.
3. The Convenor,
Women Harassment Cell,
Nazareth Margoschis College at Pillaiyanmanai,
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R.VIJAYAKUMAR,J.

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