



W.P.No.7524 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7524 of 2024 and
W.M.P.Nos.8438 & 8439 of 2024

J.K.A.Kumararajah

...Petitioner

-Vs-

1. The Regional Joint Director of Collegiate Education,
Office of Joint Directorate of Collegiate Education,
Dharmapuri-636 705.

2. V.Balaji

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in Na.Ka.No.1381/A-2/2024 dated 01.03.2024 and quash the same and consequentially issue direction directing the first respondent to permit the petitioner institution to proceed as against the 2nd respondent in accordance with law in respect of the complaint received as against him.

For petitioner

: Mr.R.Maruthachalamurthy



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For respondent 1 : Mrs.S.Anitha,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 01.03.2024 thereby permit the second respondent to join in the petitioner's college as Principal.

2. In the year 2014, the second respondent was appointed as a Principal to the petitioner's college. While being so, a complaint was received as against him from the women staffs alleging that he made sexual harassment to the women staffs. The concerned staff also made a complaint before the jurisdictional police station. Therefore, the petitioner's college committee constituted a meeting on 31.01.2024 and resolved to proceed the enquiry and conclude the same within a period of 30 days. In pursuant to the said complaint, the petitioner was issued with charge memo under Rule 17(b) of Conduct Rules. After receipt of the charge memo, the second respondent suppressed the charge memo issued against him and he approached the first respondent and obtained order dated 01.03.2024.



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3. The learned counsel for the petitioner would submit that after issuance of charge memo the petitioner is taking steps to suspend the 2nd respondent and resolved to proceed with disciplinary proceedings. However, the order passed by the first respondent cannot be set aside since so far no suspension order has been passed as against the 2nd respondent. However, the petitioner is at liberty to take appropriate disciplinary proceedings as against the second respondent on the basis of the complaint received against him.

4. The learned counsel for the respondent submitted that the second respondent was served with charge memo and the 2nd respondent was suspended from service on 04.03.2024. Therefore, the order passed by the 1st respondent now became inoperative.



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5. Recorded the said submission, this writ petition is disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

22.03.2024

Index : Yes/No

Speaking/Non Speaking Order

Neutral Citation : Yes/No

gvn

To

The Regional Joint Director of Collegiate Education,
Office of Joint Directorate of Collegiate Education,
Dharmapuri-636 705.

G.K.ILANTHIRAIYAN,J.

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