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W.P.No.8321 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.No.8321 of 2020 and

WMP Nos.9979 & 19655 of 2020 and 30530 of 2023

Josphine Jayashanthi

... Petitioner

Vs.

1. The Director, Director of Collegiate Education,
Office of the Direct of Collegiate Education,
College Road, Nungambakkam, Chennai-6.
2. The Regional Joint Director,
Office of the Regional Joint Directorate
of Collegiate Education.
3. The Principal, Loyala College (Autonomous),
Nungambakkam, Chennai.
4. Rajarajan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus directing the third respondent to consider the petitioner's representation dated 13.12.2019 and to pay compensation to the petitioner in view of the sexual harassment of Women at work place (Prevention, Prohibition, Redressal) Act, 2013 and order in W.P.No.34958/2013, dated 25.10.2019.

For Petitioner	: Mr.T.Srikrishna Bhavat Special Government Pleader
For Respondents	: Mr.D.Ravichander, Spl.Govt.Pleader for R1 and R2 Mr.Godson Swamynathan for M/s Issac Chambers for R3 Mr.J.Saravanavel for R4

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This writ petition has been filed to direct the third respondent to consider the petitioner's representation dated 13.12.2019 and to pay compensation to her, in accordance with the sexual harassment of Women at work place (Prevention, Prohibition, Redressal) Act, 2013 and also the order



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passed by this Court in W.P.No.34958/2013, dated 25.10.2019.

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2. According to the petitioner, she was working as Assistant Professor in the faculty of Tamil under the third respondent institution. The fourth respondent, who was also working under the third respondent institution had sexually harassed the petitioner and hence, she lodged a complaint, however, the respondents have not taken any steps. Therefore, the petitioner filed W.P.No.34958/2013 before this Court to take disciplinary action against the third and fourth respondents. In the meantime, the petitioner was terminated from service, against which, she filed another writ petition in W.P.No.7631/2014. Further, the fourth respondent was found guilty by the Committee constituted by the third respondent and the report, dated 23.04.2013 was produced before this court in W.P.No.34958 of 2013. The above writ petition was disposed of granting liberty to the petitioner to take further action on the above report dated 23.04.2013. The petitioner sent a representation dated 01.03.2019 to the third and fourth respondent demanding compensation. The third respondent is the competent authority to pay compensation, which would be deducted from the retirement benefit of the fourth respondent. Hence this



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writ petition.

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3. Considering the limited scope of prayer and also by consent of counsel appearing on either side, this writ petition is disposed of by directing the third respondent to consider the representation of the petitioner dated 13.12.2019 and to pass orders on its own merits and in accordance with law for payment of compensation, within a period of eight weeks from the date of receipt of a copy of this order.

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

(D.K.K.J.)

(K.B.J.)

29.04.2024

Internet: Yes/No

Index : Yes/No

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