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W.P.No. 10112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.10112 of 2024

Dr.P.Muthu Kumar

.. Petitioner

Versus

1. The State of Tamil Nadu
Represented by the Principal Secretary to Government,
Department of Higher Education,
Fort St.George, Chennai 600 009.

2. The Director of Collegiate Education,
Directorate of Collegiate Education
IASE Campus, No.577
Anna Salai, Saidapet,
Chennai 600 015.

3. Mr.R. Raman

...Respondents

Prayer: This petition is filed under article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent Nos.1 and 2 to constitute a committee in accordance with Letter (Ms). No.121, Higher Education (K2) Department, dated 22.06.2021, to initiate appropriate action against the 3rd respondent and direct to conduct enquiry on the complaint dated 20.02.2024 made by the petitioner within a time frame and pass orders.



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For Petitioner : Mr.S. Sathia Chandran

For Respondents : Mr.U. Baranidharan
Additional Government Pleader

ORDER

This petition is filed to issue a Writ of Mandamus directing the respondents No.1 and 2 to constitute a committee in accordance with Letter (Ms). No.121, Higher Education (K2) Department, dated 22.06.2021, to initiate appropriate action against the 3rd respondent and direct to conduct enquiry on the complaint dated 20.02.2024 made by the petitioner within a time frame and pass orders.

2. The case of the petitioner is that the petitioner was initially appointed as a lecturer in the Department of Political Science at Thiruvallur Government Arts College, Rasipuram, Namakkal District. In the year 2000, he was transferred to Presidency College, Chennai. Thereafter, the petitioner was promoted as Associate Professor in the year 2011 and on 31.05.2018 he became the Head of Department of Political Science. Apart from the role as Professor, the petitioner's



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contributions to NCC is significant. It is pertinent to note that the petitioner has organised National Camps, attended many National Integration Camps and also conducted tree planting event and conducted Guard of honor to the Presidents of India, Chief Justices and Justices of High Courts and Chief Ministers of Tamil Nadu. Whiles, the 3rd respondent assumed office as the Principal of Presidency College. The 3rd respondent's administrative style was seen as uncanny, unprofessional and prejudicial among the professors and students. When this being the case all of sudden the 3rd respondent on 06.03.2023 issued a memo to the petitioner alleging that the petitioner has not rendered NCC duties properly and the petitioner also submitted his explanations to the said memorandum. The sum and substance of the case is that a seminar was held on 06.02.2024 on "IAS Career Guidance" wherein, the 3rd respondent in his inaugural speech with an intention to offend, demean, belittle and embarrass the students spoke that the students will come for the programs only for the biriyani and Ice-cream and not to learn anything. The students were deeply hurt and they meet the 3rd respondent and humbly requested him not to use words affecting the



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students community, for which the third respondent replied that he will continue to speak in this manner and will not take back his words. It is pertinent to note that on 17.02.2024 a awareness program was conducted in which the 3rd respondent again created the same issue as earlier and harassed the students. Hence, the petitioner made a complaint narrating the above said harassment at the hands of the 3rd respondent to the first and second respondents on 20.02.2024. However, no action was taken till date. Therefore, the petitioner has filed this writ petition directing the respondents No.1 and 2 to constitute a committee in accordance with Letter (Ms). No.121, Higher Education (K2) Department, dated 22.06.2021, to initiate appropriate action against the 3rd respondent and direct to conduct enquiry on the complaint dated 20.02.2024 made by the petitioner. Hence, this petition.

3. The learned counsel for the petitioner explained about the letter (MS) No.121, Higher Education (k2) Department, dated 22.06.2018 which mandates that every higher education institution shall constitute a committee to deal with complaints relating to the harassment. He further



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submitted that the first and second respondents are duty bound to constitute a complaints committee and should take action on the complaint made by the petitioner. Hence, prays to allow this petition.

4. The learned Additional Government Pleader appearing for the respondents produced a letter dated 16.04.2024 in Rc.No.7568/J2/2024, wherein, it has been stated that based on the complaint made by the petitioner an enquiry was conducted. However, there was no concrete evidence for the issues raised by the petitioner against the Principal and suggested that no further proceedings is required in this regard. He further submitted that already there was committee headed by five members and it was a internal committee which will deal with the issue involved in this petition.

5. Heard both sides and perused the materials available on records



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6. Before advertng further it would be relevant to go into the Letter (Ms). No.121, Higher Education (K2) Department, dated 22.06.2021 and the relevant portion is extracted hereunder:

6. ii. Composition of the Harassment complaints Committee

Every Higher Educational institution shall constitute a committee to deal with complaints relating toe harassment. The Vice-Chancellor/Director/Principal of the Institution will take responsibility for constituting the committee with terms of reference and tenure of one or two academic years. The composition of the committee will be as given below:

a) dean/ Senior Professor / Senior Faulty Member chairperson

b) Two faulty members – On Professor and One Associate Professor in Universities or One Associate Professor and One Assistant professor in College – Members

c) One Women Faculty - Member

d) One external member with legal background- Member

e) One SC/ST/Bc representative – Observer

7. Considering the submissions made by the learned counsel appearing on either side and the specific submission made by the learned Additional Government Pleader that there was already a internal committee headed by five members as per the Letter (Ms). No.121,



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Higher Education (K2) Department, dated 22.06.2021 cited above and they will conduct the enquiry and pass orders, this Court directs the petitioner to give complaint to the said internal committee within a period of one week from the date of receipt of a copy of this order. On receipt of the complaint made by the petitioner, the members of the internal committee shall issue notice to the parties concerned and hold an enquiry after providing opportunity of hearing to either side and pass appropriate orders within a period of six weeks thereon. After completion of enquiry the decision taken by the committee should be intimated to the parties concerned.

8. With the aforesaid direction, this writ petition stand disposed of.

No order as to costs.

08.11.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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To.

To

1. The State of Tamil Nadu
Department of Higher Education,
Fort St.George, Chennai 600 009.

2. The Director of Collegiate Education,
Directorate of Collegiate Education
IASE Campus, No.577
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