



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.31061 of 2018
And
WMP No.36239 of 2018**

Dr.Anitha Mabel Manohar,
Director,
National Institute of Fashion Technology,
NIFT Campus,
Rajiv Gandhi Salai,
Taramani,
Chennai-600 113.

.. Petitioner

-VS-

1.The Union of India,
Represented by the Secretary to Government,
Ministry of Textiles,
Udyog Bhavan,
Dr.Moulana Azad Road,
New Delhi-110 011.



2.The Director General,
National Institute of Fashion Technology,
Hauz Khas, Near Gulmuhar Park,
New Delhi-110 016.

3.National Commission for Scheduled Castes,
Represented by its Secretary,
5th Floor, Lok Nayak Bhavan,
Khan Market,
New Delhi-110 003.

4.The Chairman,
National Commission for Scheduled Castes,
5th Floor, Lok Nayak Bhavan,
Khan Market,
New Delhi-110 003.

5.The Director,
National Commission for Scheduled Castes,
2nd Floor, Block No.5,
Shastri Bhavan,
Chennai-600 006.

6.Research Officer,
National Commission for Scheduled Castes,
2nd Floor, Block No.5,
Shastri Bhavan,
Chennai-600 006.

7.Geetha Ranjini

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Prohibition prohibiting the National



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Commission for Scheduled Castes from pursuing any enquiry pursuant to the complaint of the seventh respondent dated 28.03.2016 addressed to the Chairman, National Commission for Scheduled Castes, 5th Floor, Lok Nayak Bhavan, Khan Market, New Delhi-110 003 and the Director-in-charge, Shastri Bhavan, Chennai-6.

For Petitioner	:	Ms.V.S.Manimekalai
For Respondent-1	:	Mr.K.Srinivasamurthy, Senior Panel Counsel for Central Government.
For Respondent-2	:	Mr.S.Kumaresan
For Respondents-3 to 6	:	Mr.J.Madhanagopal Rao, Senior Panel Counsel.
For Respondent-7	:	Mr.N.Elaya Raja

ORDER

The Writ of Prohibition has been instituted to prohibit the National Commission for Scheduled Castes from pursuing any enquiry pursuant to the complaint given by the seventh respondent dated 28.03.2016 addressed to the Chairman, National Commission for Scheduled Castes.



2. The petitioner is holding the post of Director, National Institute to Fashion Technology at Chennai. The seventh respondent serving as an Associate Professor in the National Institute of Fashion Technology at Chennai. The seventh respondent has given a complaint to the National Commission for Scheduled Castes regarding the differential treatment experienced by her from the hands of the writ petitioner, who is holding the post of Head of the Institution.

3. Ms.V.S.Manimekalai, learned counsel appearing on behalf of the petitioner would contend that the allegations set out in the complaint are false, frivolous, unsubstantiated. In the event of allowing the National Commission for Schedule Castes to proceed with such nature of complaints, the petitioner will be prejudiced and thus the present writ of prohibition is filed.

4. The learned counsel for the petitioner has drew the attention of this Court with reference to the allegations set out by the seventh respondent. In this context, the National Institute of Fashion Technology



addressed a letter dated 22.06.2016 stating that the allegations are not true and therefore, no action will be taken on the matters, where there is no mention of violation of the Rules.

5. Relying on the similar such letters, it is contended that the National Institute of Technology had gone into the nature of the complaint and formed an opinion that no further action is required. Thus relegating the petitioner before the National Commission for Scheduled Castes would cause further inconvenience. Therefore, the writ of prohibition is to be considered.

6. Mr.KSrinivasamurthy, learned Senior Panel Counsel for Central Government, appearing on behalf of the first respondent, would oppose the contentions raised on behalf of the petitioner by stating that the complaint was before the National Commission for Scheduled Castes and the Union of India is of the opinion that in respect of such nature of allegations, an enquiry is to be conducted. Therefore, the present writ petition is to be rejected.



WEB COPY

WP No.31061 of 2



7. Learned Senior Panel Counsel, appearing on behalf of the National Commission for Scheduled Castes made a submission that on receipt of any complaint from any person, the National Commission for Scheduled Castes has to look into it and take decision. The present writ petition is therefore premature and the National Commission for Scheduled Castes is yet to conduct an enquiry. Thus the present writ petition is to be rejected.

8. The learned counsel appearing on behalf of the seventh respondent-complainant would oppose the contentions raised on behalf of the petitioner by stating that several complaints have been filed against the writ petitioner of this nature and the National Commission for Scheduled Castes has already commenced the enquiry based on the complaint given by the seventh respondent. Therefore, the writ of prohibition, at this juncture, would cause prejudice to the seventh respondent in pursuing her complaint registered against the petitioner.



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9. Considering the arguments as advanced between the parties to the lis on hand, the writ of prohibition can be issued only where there is:-

- (i) lack of jurisdiction or excess jurisdiction;
- (ii) violation of principles of natural justice or violation of basic rights and
- (iii) acts unconstitutionally or lack of evidence in judgments or errors in law.

10. The scope of writ of prohibition cannot be expanded by adjudicating the disputed facts between the parties. Such adjudication if undertaken would result in unprejudice to any one of the party. Therefore, the High Court has to exercise restraint in exercising the powers of judicial review under Article 226 of the Constitution of India, while considering the writ of prohibition to prohibit an Institution from conducting an enquiry, which is otherwise empowered to conduct inquiry under the Statutes and the Rules in force.

11. In the present case, the National Commission for Scheduled Castes is a Constitutional Body constituted under Article 338 of the



Constitution of India. The primary purpose of the writ of prohibition is to prevent the Administrative Body, Tribunal or Commission from exceeding its jurisdiction or in any manner contrary to principles of natural justice.

12. In the present case, admittedly, the seventh respondent has registered her complaint against the petitioner. The National Commission for Scheduled Castes has already commenced the enquiry proceedings. At this stage, any factual finding on the complaint is uncalled for.

13. The seventh respondent is well within her rights to demonstrate her case before the National Commission for Scheduled Castes. Article 338(5)(a)(b) of the Constitution of India speaks about the duty of the Commission to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards. Sub-clause (b) stipulates that to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes.



14. A cursory reading of the above clauses, set out that the primary duty of the Commission is to provide safeguards and for the protection, welfare and socio-economic development of the Scheduled Castes and an elaborate reading of Article 338(5)(b) mentions the duty of the Commission to inquire into the specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes.

15. In the present case, the petitioner has not established any jurisdictional error in registering the complaint given before the National Commission for Scheduled Caste. The complaint has already been registered and the inquiry proceedings are commenced by the National Commission for Scheduled Caste. Therefore, the petitioner has to defend her case before the Commission by availing the opportunities to be provided.

16. Thus, this Court is of the considered opinion that the case on hand is not a fit case for issuing a writ of prohibition, but the petitioner and the seventh respondent have to participate in the process of enquiry and establish their respective cases for effective adjudication of the issues raised



before the Commission for Scheduled Caste.

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17. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

23-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

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WEB COPY

WP No.31061 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 31061 of 2018

23-01-2024