



W.P.(MD).No.9739 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.9739 of 2024

and

W.M.P(MD).Nos.8796 & 8797 of 2024

Dr.S.Rajapandi

... Petitioner

Vs.

1.State Represented by

The Principal Secretary to Government,
Ministry of Health and Family Welfare,
Namakkal Kavignar Malligai,
Fort St. George, Chennai.

2.The Commissioner,

Indian Medicine and Homeopathy Department,
Arignar Anna Government Campus,
Arumbakkam, Chennai.

3.The Principal,

Government Ayurveda Medical College and Hospital,
Kottar, Nagercoil,
Kanyakumari District – 629 001.

4.Dr.Clarence Davy,

The Principal,
Government Ayurveda Medical College and Hospital,
Kottar, Nagercoil,
Kanyakumari District – 629 001. ... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 06.03.2024, to appoint an independent body to inquire into the actions of the 3rd respondent.

For Petitioner : Mr.Niranjan S.Kumar

For R1 to R3 : Mr.T.Amjad Khan
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus seeking direction against the first respondent to consider the petitioner's representation dated 06.03.2024, to appoint an independent body to inquire into the actions of the 3rd respondent.

2. Heard Mr.Niranjan S.Kumar, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents 1 to 3.

3. Mr.Niranjan S.Kumar, learned counsel for the petitioner submitted that the petitioner is working as Reader and HOD in the Department of Panchakarma in the third respondent College. The



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petitioner submitted that one Dr.Resmi M.Nair, who is working as Assistant Medical Officer in the third respondent College has given a complaint against the Resident Medical Officer by name Dr.Antony Suresh for having caused sexual harassment against her. The petitioner in his capacity as HOD, forwarded the said complaint to the third respondent and he has also given all the clarifications sought by the third respondent in this regard. The learned counsel for the petitioner submitted that without taking any action on the complaint given by Dr.Resmi M.Nair, the third respondent has chosen to initiate action against the petitioner on certain allegations. The third respondent vide Enquiry Call Letter dated 14.02.2024 directed the other Doctors to attend the enquiry on 16.02.2024 with regard to the complaint received from the Chief Minister Cell lodged against the petitioner. The petitioner had given a request on 16.02.2024 by seeking the copy of the complaint alleged to have been given against him. But without responding to his request, the third respondent continues to send call letters to the petitioner asking him to make his appearance for enquiry and subsequently had chosen to conduct enquiry even in the absence of the petitioner.



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4. In fact, for the failure on the part of the third respondent to initiate any action on the complaint given by Dr.Resmi M.Nair, she had filed a Writ Petition, on which a direction has been given to the respondents 1 and 2 to give a detailed status report. The petitioner presumes the present enquiry against him as an intimidating action for having forwarded the complaint given by Dr.Resmi M.Nair and for requesting the third respondent to initiate action. There are grounds to suspect the genuine intention on the part of the third respondent in conducting an enquiry against the petitioner. It is because, the complaint given by Dr.Resmi M.Nair regarding a serious allegation of sexual harassment was dealt with in a lackadaisical manner by the third respondent. In such a scenario, an action has been taken against the petitioner without even furnishing him the copy of the complaint received by the Chief Minister Cell.

5. Mr.T.Amjad Khan, learned Government Advocate for the respondents 1 to 3 submitted that the complaint has been given by the training Doctors before the Chief Minister Cell.



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6. But the third respondent's diabolical stand creates suspicion because the third respondent thought it fit to initiate immediate action against the alleged complaint given against the petitioner, but no action has been taken until Dr.Resmi M.Nair, sought an action against the serious allegations of sexual harassment against the Resident Medical Officer, by name, Dr.Antony Suresh. If certain power games are being played in the responsible institutions like the Government Research Center that cannot be encouraged at any level. In such case, it would have been appropriate for the third respondent to conduct an independent enquiry, if he deems it fit, on the alleged complaint received against the petitioner instead of rushing an enquiry even without furnishing the copy of the complaint to the petitioner.

7. Since the petitioner has given a representation with the genuine concern that the enquiry conducted by the third respondent may not be impartial, it is appropriate for the first respondent to consider the representation of the petitioner and pass appropriate orders in the form of direction to the third respondent. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.



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WEB COPY 8. With the above observations, this Writ Petition is **disposed of**.

No costs. Consequently, connected miscellaneous petitions are closed.

23.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To:

- 1.The Principal Secretary to Government,
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Fort St. George, Chennai.
- 2.The Commissioner,
Indian Medicine and Homeopathy Department,
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R.N.MANJULA, J.

Nsr

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