



W.P.(MD)No.10945 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.10945 of 2024

B.Arunkumar

... Petitioner

vs.

- 1.The Director of School Education,
O/o.the Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 2.The Director of Elementary Education,
O/o.the Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
- 2.The District Educational Officer (Secondary)
O/o.the District Educational Officer (Secondary),
Palani - 624 601
- 4.The District Educational Officer (Elementary)
O/o.the District Educational Officer (Elementary)
Dindigul - 624 101
Dindigul District.
- 5.The Block Educational Officer,
O/o.the Block Educational Officer,
Sanarpatti - 624 304,
Dindigul District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 5 to consider the petitioner's representation dated 14.03.2024 within the time stipulated by this Court.

For Petitioner : Mr.K.Thirumal Samy
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.K.Thirumal Samy, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

2. The petitioner has filed this writ petition seeking writ of mandamus directing the respondents 1 to 5 to consider the petitioner's representation dated 14.03.2024 within the time stipulated by this Court.

3. On complaints of sexual harassment received from certain women Teachers, the petitioner was placed under suspension on 07.10.2021. The petitioner had filed a W.P.(MD)No.3755 of 2022 in



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order to form an Internal Complaints Committee properly and enquire into the complaint. However, the said writ petition was disposed of by recording the submission of the Additional Government Pleader that a fresh Committee has been constituted. Subsequently, enquiry was held by the Committee and it has given a report stating that the complaints against the petitioner were not proved.

4. The petitioner once against filed W.P.(MD)No.11716 of 2022 to revoke the suspension order and as per the directions given by this Court in the said writ petition, suspension order was revoked vide the order dated 13.07.2022. Thereafter, the petitioner had given a representation to the respondents and to all the authorities concerned to take necessary action against the complaints stating that they have given false complaints against him. As no action has been taken, the petitioner has filed this writ petition, seeking direction against the respondents.

5. The petitioner has also given a representation dated



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14.03.2024 to the respondents and all the authorities concerned to take necessary disciplinary action against all those teachers, who had preferred false complaints against him under Section 14 of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 and not to allow pensionary benefits to them.

6. It is learnt that when the petitioner was working as Block Educational Officer, he conducted inspection during the COVID Pandemic period. During that time, it was alleged that he committed sexual assault on some of the women Teachers. Consequently, they had given a complaint against the writ petitioner to the District Educational Officer, Vendasandur. Based on that complaints, a Committee was constituted for enquiry against the writ petitioner. But the petitioner has not been served with the copy of the report of the Committee. However, the petitioner claimed that the Committee has stated in the report that there was no sufficient evidence and the complaint was a false one.

7. It appears that the Internal Committee have recorded some



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reasons for not recommending any action on the complaints placed before them. It is stated in the report that the electronic records like cellphone messages, audio and video or social media materials were not produced to make out a *prima facie* case. The report does not mention anything about the statement of the complainants. It is not even known whether the statements of the complainants have been obtained by the Committee during enquiry.

8. Even for the allegations that the petitioner had caused sexual harassment to the complainants by making sexually coloured remarks, the Internal Committee expected the complainants to produce the video, audio, photo or any social media records. In any case, the Internal Committee did not arrive at a conclusion that the complaints are false and it did not make any recommendation to initiate any action against the complainants by alleging that the complaints are false and malicious.

9. In this regard, it is relevant to refer Section 14 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and



Redressal) Act, 2013 and Section 14 of the Act, is extracted as below:

"14. Punishment for false or malicious complaint and false evidence:-

(1) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced



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any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed."

10. A mere inability to substantiate the complaint or provide adequate proof would not attract action against the complainants. At the risk of repetition, it is reiterated that the Internal Committee did not make any observation that the complaint is false or malicious or recommended any action against the complainants. The above parameters is squarely applicable to the facts placed in this case as well. The report of the Committee does not support the allegation of the petitioner that the complaint is malicious or false. Hence, no direction can be issued to the respondents to take action on the representation of the petitioner by presuming that the complainant had given a false complaint. Hence, this this petition is liable to be dismissed.

11. In the result, this writ petition is **dismissed**. No Costs.



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NCC: Yes/No
Index : Yes/No

mbi/PJL



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R.N.MANJULA, J.

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