



WP(MD) No.15521 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15521 of 2024

and

W.M.P(MD)No.13572 & 13575 of 2024

Dr.S.Ezhilarasan

... Petitioner

Vs.

1. The Director of Medical Education Research,
Poonamallee High Road,
Kilpauk,
Chennai-10.

2. The Dean,
Government Medical College,
Theni.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the



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records in connection with the impugned order passed by the 1st respondent in Na.Ka.No.14242/CiMaPi1/3/2024 dated 11.06.2024 and to quash and same the further direct the respondent to furnish the ICC report and the complaints made against the petitioner.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order in Na.Ka.No. 14242/CiMaPi1/3/2024 dated 11.06.2024 of the first respondent and further direct the respondent to furnish the ICC report and the complaints made against the petitioner.

2. Heard Mr.S.Sivakumar, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.



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3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has filed this writ petition challenging the impugned order, dated 11.06.2024, through which, the petitioner's request to furnish certain documents has been rejected.

5. The learned counsel for the petitioner submitted that the petitioner has been given with a charge memo on the allegation that the petitioner has caused sexual harassment.

6. It is seen that the petitioner has alleged about the sexual harassment said to have been caused to the complainants who are women Doctors and the Internal Complaint Committee (ICC) has been formed to make a preliminary enquiry on these allegations and a report has also been filed. The petitioner has sought a copy of the report of the Internal Complaint Committee and copies of the complaints given by the individuals along with observation report submitted by the Dean of the Government Medical College, Dindigul and the Vice Principal, of



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K.A.P.Viswanatham Government Medical College, Trichy.

7. So far as the Internal Complaint Committee report is concerned, no doubt, the petitioner is entitled to get a copy of the same and he has to make his submission, especially, when the charges have been made against him on the basis of the report and the allegations made by the individuals. If the Department has to rely upon the copies of the documents which are now sought to be furnished to the petitioner, then, no doubt, the petitioner is entitled to the copies of the same. In the annexure attached to the charge memo, it has been stated about the Observation Reports submitted by the Dean, Government Medical College, Dindigul and the Vice Principal, K.A.P.Viswanatham Government Medical College, Trichy.

8. In such a case, that the respondent ought to have furnished the copies of the same to the petitioner, in order to enable him to make an effective defence during the disciplinary proceedings. Since the complainants are also shown as witnesses, the petitioner should be given with the copy of the complaint as well.



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9. Since the disciplinary proceedings has to be conducted by following the principles of natural justice, I feel that the order rejecting the petitioner's request is liable to be set aside and the petitioner be furnished with the documents requested by him.

10. In the result, this writ petition is allowed and the impugned order, dated 11.06.2024 of the first respondent is set aside. The respondents are directed to furnish the documents to the petitioner as requested by him. No costs. Consequently, connected miscellaneous petitions are closed.

15.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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Poonamallee High Road,
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R.N.MANJULA, J.

RM

Order made in
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