



W.A(MD) No.306 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 10.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

W.A(MD) No.306 of 2021
&
C.M.P.(MD)Nos.1053 & 1054 of 2021

M.Sabesh Manikandan

... Appellant / Petitioner

Vs.

- 1.The Director of Collegiate Educaion,
E.V.K Sampath Building,
College Road,
Nungambakkam,
Chennai-06.
- 2.The Joint Director of Collegiate Education,
Madurai Region,
Vaithiyandhayyar Street,
Shenoy Nagar,
Madurai-20.
- 3.The College Committee,
Represented by its President,
Ayya Nadar Janaki Ammal College,
Sivakasi-626 124,
Virudhunagar District.



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4.The Correspondent,
Ayya Nadar Janaki Ammal College,
Sivakasi-626 124,
Virudhunagar District.

5.The Convener,
The Enquiry Committee / Sub-Committee,
Ayya Nadar Janaki Ammal College,
Sivakasi-626 124,
Virudhunagar District.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.7922 of 2015 dated 16.10.2020 on the file of this Court.

For Appellants : Mr.S.Rajasekar

For Respondents : Mr.T.Amjadkhan
Government Advocate
for R1 & R2

: Mr.M.Senthilkumar
for R3 & R4

: No appearance
for R5

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.



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2. The writ petitioner is the appellant herein. The writ petitioner is working as Assistant Professor in the department of economics in the third respondent college. He was served with the charge memo dated 07.10.2014. The writ petitioner submitted his reply on 24.04.2015. Not satisfied with the explanation given by the writ petitioner, enquiry was ordered. The writ petitioner even while taking part in the enquiry proceedings, sought assistance of the defence assistant. His request was negatived. The enquiry officer chose to proceed with the enquiry and issued the enquiry notice dated 04.05.2015. Challenging the same, W.P. (MD)No.7922 of 2015 was filed. The learned single Judge allowed the writ petition vide order dated 16.10.2020. The learned single Judge directed the employer to afford the writ petitioner the facility of engaging a defence assistant. Though the writ petition was allowed and the prayer sought by him is granted, certain observations and directions was made by the learned single Judge. Aggrieved by the certain observations and directions given by the learned single Judge, this writ appeal has been filed.



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3. The learned single Judge had proceeded in the matter as if the writ petitioner had been accused of the sexual harassment act. Therefore, a direction was given for referring the matter to the Internal Complaints Committee. When the employer himself did not adopt such course of action and there is no complaint from any aggrieved individual, in our view, it is not for the writ Court to issue such *suo motu* directions.

4. In this view of the matter, those observations made against the writ petitioner and direction for referring the matter to the ICC stands deleted. The Writ Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (R.K.M., J.)
10.12.2025

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

To
1. The Director of Collegiate Education,
E.V.K Sampath Building,
College Road,
Nungambakkam,
Chennai-06.



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2.The Joint Director of Collegiate Education,
Madurai Region,
Vaithiyandhayyar Street,
Shenoy Nagar,
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