



W.P.(MD) No.18447 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.18447 of 2025
and
W.M.P(MD).No.14148 of 2025**

R.Thennarasi

... Petitioner

Vs

1. The Principal Secretary to The Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Chennai- 600 009.

2. The Internal Complaints Committee (Posh),
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli - 627 012.

3. The Vice-Chancellor,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli - 627 012.

4. The Registrar,
Manonmaniam Sundaranar University,



W.P.(MD) No.18447 of 2025

WEB COPY

Abishekapatti,
Tirunelveli - 627 012.

5. John De Britto,

6. Vinod Vincent Rajesh.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned final report, dated 12.01.2016 and quash the same as being illegal, arbitrary, violative of and vitiated the purpose and object of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and principles of natural justice, and further, direct the respondents 1 to 4 to initiate appropriate disciplinary proceedings against the sixth respondent in the light of preliminary report, dated 14.08.2015 and other evidences / statements given by the students from the 1st year M.A, 2nd year M.A., M.Phil students and research scholars before the second respondent.

For petitioner : Mr. V.Rajiv Rufus

For respondents : Mr.P.T.Thiraviam
Government Advocate for R1
Ms.H.Jasima Yasmin
for M/s.Ajmal Associates for R2 to R4

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner, learned Government Advocate for the first



W.P.(MD) No.18447 of 2025

WEB COPY

respondent and learned counsel for the respondents 2 to 4.

2. This Writ Petition has been filed by the petitioner challenging the Final Report of the Enquiry Committee, dated 12.01.2016 passed by the second respondent herein under the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

3. It is specific case of the petitioner that the impugned Final Report was also communicated to the petitioner, pursuant to the order passed in W.P.(MD)No. 23519 of 2017 on 21.10.2024 only after the petitioner initiated contempt proceedings in Cont.P.(MD)No.1266 of 2025.

4. It is further submitted that the impugned Final Report of the second respondent is in variance with the Preliminary Report of the Enquiry Committee, which held its meeting on 13.08.2015 and 14.08.2025 and the same has not been considered while passing the Final Report recommending the lesser punishment on the delinquent, namely, sixth respondent herein.



W.P.(MD) No.18447 of 2025

WEB COPY

5. It is, however, noticed that pursuant to the impugned Final Report, dated 12.01.2016, the sixth respondent was also punished by the fourth respondent represented by the fifth respondent then by ordering the transfer of the sixth respondent within the same university and the period of suspension undergone was treated as punishment withholding increments for the period of two years by an order, dated 25.02.2016 bearing reference in MSU/R/ESTT-T/History/2016.

6. The sixth respondent had challenged the same before the Court in W.P. (MD)No.5734 of 2016. Since the sixth respondent also failed to appear before the Court, the said Writ Petition was dismissed *vide* order, dated 23.06.2023, with the following observations:

“3.Considering the allegation raised against the petitioner, the punishment imposed by the respondents is only lesser. Therefore, this Court is not inclined to entertain this writ petition.

4.Accordingly, this Writ Petition stands dismissed on merits. No costs. Consequently, connected miscellaneous petition is closed.”

7. Thus, the impugned Final Report, dated 12.01.2016 has been considered and appropriate punishment order has been passed on 25.02.2016. At best, the petitioner can challenge the aforesaid punishment order imposed by the fourth



W.P.(MD) No.18447 of 2025

WEB COPY

respondent represented by the fifth respondent while awarding above punishment to the sixth respondent in their proceedings, dated 25.02.2016.

8. There are also indications that earlier, the petitioner had also approached this Court in W.P.(MD) No.5415 and 5426 of 2017 to initiate departmental proceedings. The said Writ Petition was disposed by an order, dated 11.03.2021 with liberty to file an appeal before the Appellate Authority for major punishment on the ground that the offences committed by the sixth respondent herein (Second respondent therein) was not tolerable one.

9. There are also indications that yet another victim had also filed W.P. (MD)No.4190 of 2016, for a Mandamus to direct the respondents 3 and 4/University to issue a direction to the police to register a case against the sixth respondent. The said Writ Petition was allowed on 24.01.2020, with the following observations:

“8. It is seen that the cause of action arose in the year 2015. The complaint had been made in July 2015 itself. This writ petition itself was filed way back in February 2016. Unfortunately the case has been taken up for final disposal only in January 2020. It is seen that the offence under Section 509 of I.P.C. is punishable only up to three years. Therefore, neither the third respondent nor the jurisdictional Magistrate



W.P.(MD) No.18447 of 2025

WEB COPY

will close the complaint on the ground of infraction of the statutory mandate under Section 468 of Cr.P.C. This is because, the writ petition filed by the petitioner has been pending before this Court for full four years.

9. The first respondent shall forward the complaint along with the committee's report dated 14.08.2015 within a period of three weeks from the date of receipt of a copy of this order. The third respondent will register the First Information Report on the said complaint without any delay thereafter and conclude the investigation on merits and in accordance with law within a period of three months, thereafter."

10. The petitioner in W.P.(MD)No.4190 of 2016, in respect of which order, dated 24.01.2020 was passed, had also filed W.P.(MD)No.20745 of 2015, which came to be disposed of on 12.12.2023, wherein it has been recorded as under:

"4. The learned Government Advocate (Crl. Side) submits that the criminal case registered against the Assistant Professor has been charge sheeted and now, it is pending for trial, before the Additional Mahila Court, Tirunelveli in C.C.No.1449 of 2022. He further submits that on 07.12.2023, four witnesses, namely, P.W.1 to P.W.4 were examined.

5. Considering the development that the criminal case registered against the Assistant Professor has been charge sheeted and main witnesses have also been examined during the trial, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed."

There are indications that thus, the sixth respondent has also been criminally proceeded in C.C.No.1449 of 2022.



W.P.(MD) No.18447 of 2025

WEB COPY

11. It is informed by the learned counsel for the respondents 2 to 4 that the said case is in the stage of trial.

12. There are also indications that an order was passed on 17.11.2017 in W.P.(MD)No.21194 of 2017, wherein the petitioner had prayed for a Mandamus to direct the second respondent herein to provide information sought for by the petitioner on 15.06.2016, had been violated. Hence, the petitioner appears to have moved a contempt petition before this Court in Cont.P.(MD)No.1801 of 2018, which came to be closed on 05.08.2019 with the following observations:

“This contempt petition has been filed for the alleged disobedience of the orders of this Court dated 17.11.2017 made in W.P. (MD) No.21194 of 2017. By the said order, this Court directed the 3rd respondent to furnish some information to the petitioner as directed by the 1st respondent.

2.Today, when this contempt petition is taken up for final disposal, the learned counsel appearing for the respondent herein submitted that the information has already been furnished to the petitioner by communication dated 12.01.2016 and 25.02.2016 and since, the orders of this Court has been complied with, the question of contempt does not arise.

3.However, the learned counsel appearing for the petitioner wants to verify the same.

4.Now, the learned counsel appearing for the respondent herein produced the aforesaid communication as the compliance of the order hence, this Court feels that, at this juncture, this contempt proceedings cannot be proceeded further against the respondent herein.



W.P.(MD) No.18447 of 2025

WEB COPY

5. In that view of the matter, this contempt petition is closed. However, it is open to the petitioner to verify with the information already furnished and still, he is facing any grievance, he can work out his remedy in the manner known to law."

13. Further, the petitioner had filed W.P.(MD)No.15092 of 2025 for the relief of directing the first respondent therein (first respondent herein) to take action based on preliminary and main report, dated 14.08.2015 and 12.01.2016, respectively, submitted by the Internal Complaints Committee and subsequent departmental proceedings against the sixth respondent. However, the same came to be dismissed as withdrawn on 25.06.2025.

14. Considering the above facts and circumstances of the case, I am of the view that the challenge to the impugned Final Report, dated 12.01.2016 is not independently maintainable in the form in which the present Writ Petition has been filed. At best, the petitioner can pray enhancement of punishment awarded to the sixth respondent, in view of the punishment order, dated 25.02.2016.

15. Therefore, this Writ Petition was dismissed with a liberty to the petitioner to challenge the punishment order together with the Final Report, if



W.P.(MD) No.18447 of 2025

WEB COPY

advised. It is open for the petitioner to work out the remedy, if any remedy is available under law.

16. This Writ Petition is dismissed, with above observations. No costs.

Consequently connected miscellaneous petition is closed.

Index : Yes / No

08.07.2025

Internet : Yes / No

apd

To
The Principal Secretary to The Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Chennai- 600 009.



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W.P.(MD) No.18447 of 2025

C.SARAVANAN, J.

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W.P.(MD) No.18447 of 2025

08.07.2025