

WP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Tenth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

WP(MD) No.4106 of 2022

G.JOSEPH JEYASEELAN

... PETITIONER

Vs

1. THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI 600 006.
2. THE DISTRICT EDUCATIONAL OFFICER,
THALLAKULAM 625 002,
MADURAI DISTRICT.
3. THE BLOCK EDUCATIONAL OFFICER-II,
RMS ROAD, MADURAI SOUTH,
MADURAI DISTRICT 625 001.
4. THE SECRETARY,
JEYA PRIMARY SCHOOL, MUNICALAI ROAD,
MADURAI DISTRICT 625 009.
5. C.ANGELIN
6. M.SHANTHI

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent District Educational Officer vide proceedings in Na.Ka.No.3257/A5/2021 dated 02.03.2022 (received on 03.03.2022), Quash the Same as illegal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.RAGATHEESH KUMAR, Advocate for M/S.ISAAC CHAMBERS for the petitioner and of MR.VEERA KATHIRAVAN, Additional Advocate General Assisted by MR.G.V.VAIRAM SANTHOSH, Additional Government Pleader on behalf of the Respondents No.1 to 3 and MR.M.VENKATESH, Advocate for the Respondents No.4&5, the court made the following order:-



The cancellation of deputation of two women teachers / respondents 5 and 6, in proceedings dated 02.03.2022, issued by the District Educational Officer, Thallakulam, Madurai District, is under challenge in the present writ petition.

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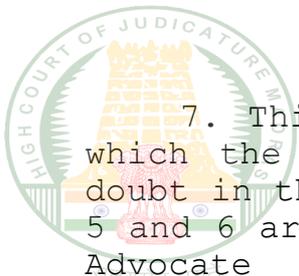
2. Mr.K.Ragatheesh Kumar, learned counsel for the petitioner made a submission that the deputation made for the benefit of the school is cancelled and on earlier occasion also, such deputations were cancelled and allotted to other teachers. Thus, the petitioner is constrained to file the present writ petition.

3. Mr.Veera Kathiravan, the Learned Additional Advocate General appearing for the official respondents made a submission that there are serious allegations of sexual harassment against the writ petitioner and frequent complaints are received by the Educational Authorities. Even the respondents 5 and 6 submitted letters to the Competent Educational Authorities in respect of the sexual harassment made against them. The Block Educational Officer-II, Madurai, submitted a report and based on that, the deputation was cancelled. The orders impugned itself reveals that the deputed teachers / respondents 5 and 6 were serving in the School with great difficulties and the petitioner has given continuous harassment to the teachers.

4. Mr.M.Venkatesh, the learned counsel appearing for the respondents 5 and 6 made a submission that there are several other allegations of sexual harassment against the writ petitioner and such complaints are frequently made. The learned counsel for the respondents 5 and 6 reiterated that the petitioner made frequent calls to the respondents 5 and 6 and sexually harassed.

5. When the learned Additional Advocate General made a submission that the Authorities are receiving such frequent complaints from the women teachers working in the school, the deputation was cancelled, considering the mental agony caused to the teachers and they were posted in some other school, such an order is under challenge.

6. When this Court asked a question on what basis, the petitioner impleaded the respondents 5 and 6, who are all deputed teachers and their deputation is cancelled in the impugned order, which would not affect the school and the only grievance of the school would be that they may request the Department to depute the other teachers to run the school administration peacefully. Instead of making a request to the Educational Authorities to fill up the posts, the petitioner has gone to the extent of impleading the women teachers in the writ petition, who have given complaints of sexual harassment against the writ petitioner.



7. This Court is of the considered opinion that the r in which the writ petition filed before this Court raises a serious doubt in the minds of the Court. The letter sent by the respondents 5 and 6 are also placed before this Court by the learned Additional Advocate General. Perusal of the letter reveals that the respondents 5 and 6 are subjected to mental harassment and there is no conducive atmosphere in the school to continue their services. The seriousness of the complaint was considered by the Department and their deputation was cancelled. However, this Court cannot tolerate such activities of the Headmaster in educational institution and actions are certainly warranted. The Court cannot form an opinion at this stage regarding the allegations made. However, the learned counsel for the respondents 5 and 6 says that the respondents 5 and 6 are ready to file an affidavit regarding the harassment made to them, including the mental harassment and sexual harassment and regarding the other incidents happening in the school.

8. It is shocking to the conscious of this Court that in educational institution such occurrences are frequently happening and in the event of any inaction, the persons who are all responsible will make an attempt to escape from the clutches of law. Thus, in such circumstance, it is the constitutional duty of the High Court to go to any extent and ensure complete justice to be provided to the parties concerned.

9. In view of the above facts and circumstances, the two letters sent to the Educational Authorities, by the respondents 5 and 6, are directed to be registered as complaints by the jurisdictional Police viz., All Women Police Station, Keerathurai, Madurai South, Madurai and the investigation should commence immediately. The respondents 5 and 6 are directed to be relieved directly by the District Educational Officer and they may be permitted to join in the transferred school with immediate effect. The District Educational Officer shall seize the service records and other certificates of the respondents 5 and 6 with the assistance of the local police, if required, and keep those records with them until the investigation is completed by the police regarding the allegation of sexual harassment and other things.

10. This apart, the District Educational Officer has to constitute an Internal Complaints Committee under Section 4 of Women Harassment Act and an enquiry is to be parallelly conducted in respect of sexual harassment in work place with reference to the Act, as there is no bar for continuance of enquiry by the Internal Complaints Committee even during the pendency of the criminal case under the other penal Laws. Section 28 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), Act, 2013, categorically provides " The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law in force for the time being in force." Therefore, registration of



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an FIR is not a bar for constituting an Internal Committee, under Section 4 of the Act.

11. The jurisdictional Police viz., The All Women Police Station, Keerathurai, Madurai South, Madurai is directed to submit the copies of the FIRs on 14.03.2022.

12. Registry is directed to list the matter for further orders on 14.03.2022.

sd/-
10/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI 600 006.
2. THE DISTRICT EDUCATIONAL OFFICER,
THALLAKULAM 625 002,
MADURAI DISTRICT.
3. THE BLOCK EDUCATIONAL OFFICER-II,
RMS ROAD, MADURAI SOUTH,
MADURAI DISTRICT 625 001.

COPY TO :
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERATHURAI, MADURAI SOUTH,
MADURAI.

ORDER
IN
WP(MD) No.4106 of 2022
Date :10/03/2022

USK/PN/SAR-II/10.03.2022/4P/5C