

WP(MD). No.7436 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**WP(MD). No.7436 of 2025
and
WMP(MD)Nos.5593 & 5596 of 2025**

Suthakar

... Petitioner

Vs.

1. The Commissioner of Collegiate Education,
No.577, Anna Salai,
Saidapet, Chennai - 15.

2. The Joint Director of Colleg,
Iate Education, Nandhi Kovil Street,
Theppakulam, Trichy - 2.

3. The Principal,
Government Arts and Science College,
Karamakudi, Pudukkottai - 622 302.

4. The Presiding Officer,
Internal Compliance Committee For
The Sexual Harassment of Women at Work Place,
Government Arts and Science College,
Karamakudi,
Pudukkottai District.

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for the records relating to the impugned order passed by 3rd respondent vide his proceedings in Na.Ka.No. 109/Aa/2024 dated 09.01.2025 and quash the same as illegal.

For Petitioner : Mr.R.Maheswaran

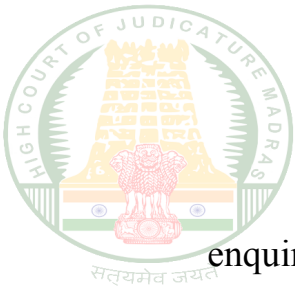
For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

The petitioner had challenged the order of dismissal passed by the third respondent, pursuant to the report filed by the internal complaints under the POSH Act, 2013.

2. I have considered the arguments advanced by the learned counsel on either side and perused the materials available on record.

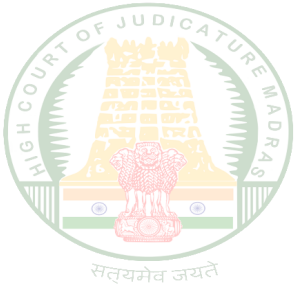
3. From the facts that has been narrated by the respective parties, it could be seen that pursuant to the complaint dated 28.12.2024, from the student, complaining of Sexual Harassment against the petitioner, an



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enquiry was contemplated on 31.12.2024 before the Internal Complaints Committee and the petitioner had been terminated from service on 09.01.2025. An enquiry report had also been submitted by the I.C.C on the very same day, that is on 31.12.2024. A perusal of the enquiry report placed before this Court by the respondents would indicate that the petitioner had not been given an opportunity to cross examine the complainant or any other witnesses.

4. A perusal of the report would indicate that the Committee had not been constituted as per the parameters of the Act. There is no Chairman of the Committee nor there is no outsider as required under the Act. That apart, an enquiry had been conducted without following the principles of natural justice and as envisaged under the POSH Act and the enquiry report has also not been given to the petitioner. The impugned order had not been preceded with a show cause notice to the petitioner, calling upon his explanation. Therefore, this Court finds that there has been a flagrant violation of the provisions of the POSH Act and Rules framed thereunder.



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5. For the aforesaid reasons, the impugned order is set aside with

liberty to the respondents to conduct an enquiry as per the provisions of the POSH Act and thereafter, proceed with the disciplinary proceedings against the petitioner. No order as to costs. Consequently, connected Miscellaneous Petitions are closed.

10.10.2025

Index: Yes/No

NCC: Yes/No

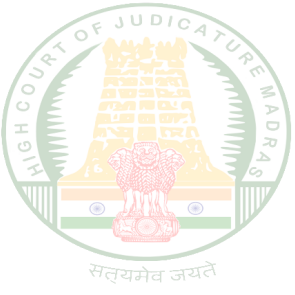
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K.KUMARESH BABU,J.

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