



**Judge, High Court of  
Bombay**

Justice Michael F. Saldanha (Retd)



**Judge, High Court of  
Karnataka**

141A, Jolly Maker Apartments No. 1, Cuffe Parade, Mumbai – 400 005.  
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The Hon'ble the Chief Justice,  
High Court of Madras,  
Chennai  
Tamil Nadu.

Most Respected Brother Chief Justice,

1. Please permit me to prefix this Appeal with a few observations, the first being that I request you to spare just a few minutes to look into this grievance which is one of consequence. I am a Retired Judge of the Bombay and Karnataka High Courts and after my retirement I have been striving to work for the upgradation of the Judicial System, the Bar and Legal Education. My belief is that criticism can be destructive, but conscious effort towards improvement works towards the fulfillment of justice and has made a huge difference to all aspects of the system. Some decades back when we set up the Judicial Training Institutes to train the Judges and provide for refresher courses eyebrows were raised but experience shows that it is one of the best things that has happened to the Judiciary. My humble contribution to that field gives me the satisfaction from the huge difference for the better that it has made to the quality of Judges.



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2. I have had long associations with Tamil Nadu right from the old days when my brother did his B. Com. (Hons.) at the Loyola College and several of my family members qualified from the virtually world class Institutions in the then Madras. During my lawyer days I remember with admiration the high standards of the Madras Bar and some of the outstanding Lawyers and Judges that it has produced. The Madras High Court which is one of the oldest in the country has been known for its high standards and even though most of my practice was confined to Bombay and Delhi I do recall having appeared in the High Court on a few occasions. In later years, my batch mate Justice B. N. Shrikrishna and Justice Ajit Shah who was Chief Justice spent some fruitful years in this High Court as also Chief Justice Chandurkar.
3. In this background, I felt imperative to bring to your kind notice the fact that a senior lady faculty member from the Loyola College had in the year 2016 approached the High Court with a Petition alleging sexual harassment by a Priest by the name of Rev. Fr. Xavier Alphonse S. J. a very powerful member of the Jesuit community on the allegation of sexual harassment at the



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workplace. I refrain from even referring to the facts because that is within the exclusive jurisdiction of the High Court.

4. Unfortunately, though the Writ Petition was filed in the year 2016, she was then 62 years of age and she hoped for expeditious reliefs, despite the High Court issuing Notice which was served on the University but more importantly, to the Priest in question and the college authorities. Her grievance is that they have even after four years not even filed their Reply and that the case has made no progress. This has appeared prominently in the national media through the Goa Chronicle the All India Christian Forum and even though I am in Mumbai it has hurt me because it reflects very seriously on the working of the judiciary.
5. My very humble request to you is to kindly call for the case records in the Petition filed by Mary Rajashkaran and to direct its expeditious disposal. The Courts have effective methods of dealing with situations where even rich and powerful Respondents try to delay the progress and disposal of litigation because nothing works as a greater pressure on the victim. This case is a classic instance where even if the Petitioner succeeds after having been tortured and humiliated she can



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never get back into her academic profession because the age factor will now intervene and at the highest she would be entitled to monetary compensation, but all of that will be decided by the Court.

6. One of the principle ingredients of the concept of Justice is the time factor which postulates that *Justice Delayed is Justice Denied*. I prefer to say that even belated Justice is the next best.

With esteem and personal regards,

**Justice Michael F. Saldanha**