



W.A.Nos.1006 of 2023 and 1652 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 18.09.2025

CORAM:

**THE HON'BLE MR. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.A.Nos.1006 of 2023 and 1652 of 2024
and C.M.P.Nos.10089 and 10090 of 2023**

W.A.No.1006 of 2023

Dr.Anita Mabel Manohar
Director,
National Institute of Fashion Technology,
NIFT Campus,
Rajiv Gandhi Salai, Taramani,
Chennai - 600 113.

... Appellant

Vs.

1. The Union of India
Rep. by the Secretary to Government,
Ministry of Textiles, Udyog Bhavan,
Dr.Moulana Azad Road,
New Delhi - 110 011.
2. The Director General
National Institute of Fashion Technology,
Hauz Khas, Near Gulmuhar Park,
New Delhi - 110 016.
3. National Commission for Scheduled Castes,
Rep. by its Secretary,
5th Floor, Lok Nayak Bhavan, Khan Market,



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New Delhi - 110 003.

4. The Research Officer
National Commission for Scheduled Castes,
5th Floor, Lok Nayak Bhavan, Khan Market,
New Delhi - 110 003.

5. D.Rajasekar

... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent against the order made in W.P.No.1037 of 2017 dated 20.03.2023 and prays the same be set aside.

W.A.No.1652 of 2024

Dr.Anita Mabel Manohar
Director,
National Institute of Fashion Technology,
NIFT Campus,
Rajiv Gandhi Salai, Taramani,
Chennai - 600 113.

... Appellant

Vs.

1. The Union of India
Rep. by the Secretary to Government,
Ministry of Textiles, Udyog Bhavan,
Dr.Moulana Azad Road,
New Delhi - 110 011.
2. The Director General
National Institute of Fashion Technology,
Hauz Khas, Near Gulmuhar Park,
New Delhi - 110 016.
3. National Commission for Scheduled Castes,



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Rep. by its Secretary,
5th Floor, Lok Nayak Bhavan, Khan Market,
New Delhi - 110 003.

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4. The Chairman
National Commission for Scheduled Castes,
5th Floor, Lok Nayak Bhavan, Khan Market,
New Delhi - 110 003.

5. The Director
National Commission for Scheduled Castes,
2nd Floor, Block No.5,
Shastri Bhavan, Chennai - 600 006.

6. Research Officer
National Commission for Scheduled Castes,
2nd Floor, Block No.5,
Shastri Bhavan, Chennai - 600 006.

7. Geetha Ranjini ... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent to allow the writ appeal setting aside the order passed by the learned Judge in W.P.No.31061 of 2018, dated 23.01.2024.

For Appellant	: Mr.K.Sridhar in W.A.No.1006 of 2023 Mr.D.Jayasingh in W.A.No.1652 of 2024
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For Respondents	: Mr.K.Srinivasamurthy, Senior Panel Counsel for Central Government for R1 and R2 in W.A.No.1006 of 2023 and for R1 to R6 in W.A.No.1652 of 2024
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Mr.S.Diwakar
for R3 and R4
in W.A.No.1006 of 2023

No Appearance for R5
in W.A.No.1006 of 2023

No Appearance for R7
in W.A.No.1652 of 2024

COMMON JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar, J)

Since the issue raised in both these Appeals is one and the same and the parties also are almost same, both these writ appeals with the consent of the learned counsel appearing for both sides, were heard together and are disposed of by this common order.

2. In W.A.No.1006 of 2023 the appellant has preferred the appeal against the order passed by the learned writ court dated 20.03.2023 made in W.P.No.1037 of 2017. Like that, W.A.No.1652 of 2024 has been preferred against the order passed by the writ court dated 23.01.2024 made in W.P.No.31061 of 2018.

3. In both the appeals, the appellant is one and the same who was the



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writ petitioner in both the cases.

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4. The necessary facts which are required to be noticed for the disposal of both these appeals are as follows :

4.1. That the appellant was a Director of National Institute of Fashion Technology, NIFT Campus, Taramani, Chennai. Since she being the Head of the Institution, she was responsible for the smooth conduction and administration of the Institution.

4.2. When that being so, insofar as W.A.No.1006 of 2023 is concerned, which arise out of W.P.No.1037 of 2017, the fact that was the root cause for this lis is that at the Institute, where the appellant was the Director, an LCD Projector (Optoma EP 739H) was found missing from Leather Design Department stock almirah on 11.01.2016. When this was brought to the notice of the appellant, at her instance the Joint Director of the Institute has given a police complaint on 14.01.2016, thereafter on 18.01.2016 by Office Order, the Director has constituted an enquiry committee consisting of four faculties to enquire into the matter of missing LCD Projector and submit their findings.



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4.3. The said committee conducted a detailed enquiry where 11 such persons belongs to the said Department including the Head of the Department one D.Rajasekar, Associate Professor and CC-LD (R5) were enquired and ultimately the committee has given the following conclusion :

"Conclusion :

The committee noted that there is a discrepancy with respect to the usage of the LCD projector between the statements of both the MTS and Lab Asstt., RA and CC. As per the NIFT Academic Manual Page No.21 point no.xv, it is the CCs responsibility to ensure that all equipment and infrastructure in Labs and class rooms are in proper working condition. In this task, the RA can assist the CC. So the committee concludes that the responsibility of maintaining the assets of the department lies with the Unit Head (CC)."

4.4. In fact all the 11 persons were enquired by the Committee belongs to Leather Design Department whose faculty and staff had put their signature that they were enquired by the Committee. Following these finding given by the Committee, the Director ultimately passed an order on



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12.02.2016, among other things, has stated that the loss may also due to delinquencies of subordinate officials and it appears that it has been facilitated by laxity of supervision on the part of CC-LD and the CC-LD shall also be called strictly to account and his personal liability in the matter. Therefore the value of the lost item was valued at Rs.19,385/-, that amount was directed to be recovered from the team of the CC-LD Department Headed by the said D.Rajasekhar, Associate Professor.

4.5. Despite this order dated 12.02.2016 since no action had been taken by D.Rajasekar who is the fifth respondent herein to recover the said amount and remit the same to the Institution account, a show cause notice had been issued by the Director i.e., the appellant on 14.03.2016.

4.6. Apparently got annoyed over the said action taken against the fifth respondent, on the very next day, i.e., on 15.03.2016, he had sent a detailed complaint to the Chairman of the National Commission for Scheduled Castes, New Delhi, making so much of allegations against the appellant, i.e., Director of the Institute that he was discriminated on caste line and he has been harassed.

4.7. Based on the said complaint given by the fifth respondent, the



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Registrar, National Institute of Fashion Technology on 13.06.2016 has given a reply to the Joint Secretary, Ministry of Textile and Research Officer, National Commission for Scheduled Castes at Chennai to state that the said allegation made by the fifth respondent / complainant against the appellant / Director or against the Institution Management is false and frivolous and moreover the fifth respondent in his representation not clearly mentioned the reservation policy, DOPT OMs, Government of India orders, State Government orders, PSUs and Autonomous Bodies orders or any other order which were allegedly violated by the officers of NIFT and therefore in terms of provisions contained in para 7.4.1 (h) of the Rules of Procedure of National Commission for Scheduled Castes, no action could be taken on the matters where there is no mention of violation of the said rules.

4.8. Despite these replies had been given by the NIFT through its Registrar, it seems that there has been a hearing conducted on 18.11.2016 in the absence of the appellant by the National Commission for Scheduled Castes and based on the minutes recorded, the Commission has constituted a Committee consisting of three members by order, dated 13.12.2016.



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4.9. In this context, it is to be noted that one member is from NCSC State Office, Chennai, one member from NIFT and one member from outside the organisation representing the complainant.

4.10. This has been constituted behind the back of the appellant and no notice had been given to the appellant before conducting any such proceedings even to come to such a conclusion to constitute a Committee of three members out of whom one belongs to the complainant.

4.11. Therefore aggrieved over the said constitution of the committee by order dated 13.12.2016, the appellant filed the said writ petition in W.P.No.1037 of 2017 seeking to quash the said order.

4.12. The learned writ court, having heard the said writ petition by order impugned, dated 20.03.2023, has disposed the said writ petition by giving a direction to expedite the constitution of the committee and to conduct the enquiry.

4.13. Aggrieved over the said order passed by the writ court, dated



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20.03.2023, W.A.No.1006 of 2023 has been preferred.

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4.14. Like that, insofar as W.A.No.1652 of 2024 is concerned, she is yet another complainant, i.e., 7th respondent who gave such a complaint against the appellant before the fifth respondent Commission.

4.15. Before such complaint was given, if we trace the happenings taken place it would reveal that on 12.11.2015 a memo was issued by the Joint Director and Controller of Examinations of NIFT, Chennai as to the manner in which the seventh respondent has posted a displeasure to work on 09.11.2015 and also expressed her view to forward the photos during rain taken on 09.11.2015 to Delhi requesting to declare holiday for NIFT.

4.16. In fact on 09.11.2015 the NIFT has not declared holiday because end term internal examination on that day was to be conducted and there were portions to be completed for the end term session July to December 2015. Because of these reasons, on the rainy day on 09.11.2015 the Management of NIFT decided not to declare holiday that was heavily criticised by the seventh respondent, therefore the memo issued by the



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Management on 12.11.2015. After getting the explanation an advisory note was given on 29.12.2015 against the seventh respondent.

4.17. Insofar as yet another episode, where the seventh respondent has not discussed with the subject to be placed before the Delhi meeting with the Director and therefore when a further memo was issued, the mistake committed by the seventh respondent in fact has been accepted, therefore she was advised to be more cautious in future was the order passed by the Joint Director on 04.01.2016 and similar orders were passed by the Joint Director on 12.01.2016.

4.18. When this kind of corrective measures were taken by the Management of NIFT to mend her way of the seventh respondent, obviously got annoyed over that kind of corrective measures being taken by the Management, the seventh respondent has chosen to give a complaint to the fifth respondent Commission on 28.03.2016.

4.19. Pursuant to which, the Commission had sought for comments from the Institution by letter dated 19.04.2016 and this has been replied by



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the NIFT on 26.05.2016 and also a para wise reply was given by the appellant for each of the allegations made by the seventh respondent.

4.20. Further the NIFT through the Registrar has also written a letter to the Research Officer of the Commission at Chennai that the seventh respondent in her representation not clearly mentioned about the reservation policy, DOPT OMs etc., where those provisions have been violated. Hence the question of taking any action under the Rules of Procedure of National Commission for Scheduled Castes does not arise in view of para 7.4.1 (h) of Rules of Procedure.

4.21. Thereafter the seventh respondent seems to have given a rejoinder to the detailed reply given by the appellant, hence the Commission again wanted to conduct an enquiry at Chennai. Only at that juncture, the appellant filed the second writ petition in W.P.No.31061 of 2018 seeking for a writ of prohibition against the Commission to proceed with further enquiry on the basis of the complaint given by the seventh respondent dated 28.03.2016.



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4.22. The said writ petition also was heard and dismissed by the writ court through the order dated 23.01. 2024 made in W.P.No.31061 of 2018. Aggrieved over the same, the appellant preferred W.A.No.1652 of 2024.

5. This is how both the writ appeals came to be filed before this Court and were heard together and are disposed of by this common order as indicated supra.

6. Insofar as the first case is concerned relates to D.Rajasekar, the circumstances under which such a complaint had been given by him has to be looked into.

7. That a projector has been missed or lost, police complaint was given, enquiry committee was constituted, committee enquired all the persons belongs to the said Department including the said D.Rajasekar. The conclusion reached by the committee has been extracted herein above and based on which, the responsibility has been fixed on the Department headed by fifth respondent and the cost of the apparatus of Rs.19,385/- was directed



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to be collected which he failed, therefore show cause notice dated 14.03.2016 was issued by the Director, i.e., the appellant, which immediately triggered and as a knee jerk reaction the fifth respondent on the very next day, i.e., on 15.03.2016 filed a complaint before the National Commission for Scheduled Castes. The very circumstances itself show that the fifth respondent had given a complaint only to wriggle out from the clutches of the responsibility fixed on him by the NIFT, Chennai through his Director, that too after conducting full fledged enquiry which has been accepted by the fifth respondent with regard to a loss of equipment that too only for a sum of Rs.19,000/- and odd.

8. No specific instances had been mentioned in the complaint given by the fifth respondent. Even in the complaint at one place he has mentioned that after the meeting was over, the Director called him separately and continued her abusive language etc., against him. If this kind of frivolous allegations stating that personally one to one such abusive language has been used against the person belongs to the SC community, what veracity could be attached with such a complaint or statement and therefore this kind of frivolous complaint should not have been enquired even to find out the



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prima facie case against the person against whom such a complaint is made.

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9. However here in the case in hand, in the absence of the appellant / petitioner, suo motu the Commission has constituted the three member committee, out of whom one member is from outside organisation representing the complainant. This itself show that the commission without applying their mind and without having gone through the substantive materials whether it is available or not even on prima facie since has gone to the extent of constituting a committee by order dated 13.12.2016 it is vitiated.

10. In this context, the Rules of Procedure of National Commission for Scheduled Castes especially para 7.4.1 (h) could be taken for rescue of the appellant.

11. This in fact has been extracted by the learned Judge in paragraph 5 of the impugned order, therefore at the risk of repetition, the relevant portion, i.e., para (h) alone has been extracted herein :



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"(h) No action will be taken on the matters where there is no mention of violation of Reservation policy, DOPT OMs, Government of India Orders, State Government Orders, PSUs and Autonomous Bodies orders or any other violation of Rules of Reservation. **Hence the matters where there is no mention of violation of above Rules need not be referred to the Commission as complaints.**"

12. From the reading of para (h), it makes abundantly clear that Commission would not take any action on the matters where there is no mention of violation of of Reservation policy, DOPT OMs, Government of India Orders, State Government Orders, PSUs and Autonomous Bodies orders or any other violation of Rules of Reservation.

13. In the absence of any such allegation made against the appellant / petitioner by the fifth respondent, the Commission ought not to have constituted the three member committee through the order impugned before the writ court. Though this has been brought to the notice of the Commission by the NIFT more than once by quoting the said paragraph 7.4.1(h) of the Rules of Procedure, the same has not been considered in



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proper perspective by the Commission.

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14. All these aspects have not been considered in proper perspective by the learned writ court while dealing with the writ petitioner and therefore the ultimate conclusion reached by the learned Judge that once the complaint is given, the Commission is empowered to enquire the matter, therefore it cannot be interfered with and hence, the learned writ court since dismissed the writ petition, we are of the considered view that the said approach of the writ court is an erroneous one in view of the peculiar facts and circumstances as has been discussed herein above.

15. Insofar as the second case is concerned, i.e., W.A.No.1652 of 2024, almost similar facts are prevailing, where in order to mend the way of the seventh respondent therein memos were issued on 12.11.2015, 29.12.2015, 04.01.2016 and 12.01.2016. All these memos triggered the seventh respondent who also as knee jerk reaction was constrained to file a complaint on 28.03.2016 to the National Commission for Scheduled Castes by making vague and frivolous allegations against the appellant / petitioner.



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16. Each of the allegations made by the seventh respondent had been given a detailed reply by the appellant / petitioner, however, the same has not been considered by the Commission which decided to proceed further by conducting an enquiry. That is the reason why the appellant / petitioner was constrained to approach this Court by filing the said writ petition.

17. Even in the second case, there has been no specific allegation with regard to the violation of any DOPT OMs, Government of India orders etc. When that being so, as per para 7.4.1 (h) of the Rules of Procedure, the Commission need not take any action on such matters where there is no mention of violation of Reservation policy, DOPT OMs, Government of India orders, State Government orders, PSUs and Autonomous Bodies orders or any other violations of Rules of Reservation.

18. When this legal point has been raised in both the cases, the learned writ court who disposed both the writ petitions have not considered this aspect in proper perspective.

19. Even though in the first case, the rule has been extracted by the



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learned Judge, the only answer that has been given by the learned Judge in brushing aside the said rule is that nibbling the bud at all circumstances is not desirable.

20. If there is a substance at least prima facie the procedure contemplated under the regulations can be adopted by conducting an enquiry, for which a Committee can be constituted. In the absence of any prima facie material and the very basis of the complaint itself is not in consonance with the Rules of Regulations especially under the context of para 7.4.1 (h) of the Regulations, certainly the power of the Commission is getting denuded and they should lay off their hands.

21. There has been no specific allegation even by the seventh respondent in this aspect and all decision taken by the Institution or the Director who is the appellant herein on the administrative side of the Institution to take the Institution in a progressive way cannot be construed as harassment against any individual, for which the individual cannot invoke the jurisdiction of the Commission for Scheduled Caste as that would be a disastrous proposition as none of the administrator of any public institution



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can work freely in order to develop the Institution to yield the desired result in a progressive way.

22. All these aspects though had been repeatedly pointed out by the Institution, i.e., NIFT to the Commission, the Commission has not accepted it and decided to proceed further out of nothing and therefore we have no hesitation to hold that the move on the part of the Commission to proceed further on the complaint given by the seventh respondent is nothing but a colourable exercise, that too without any plausible reasons and substance. Therefore the writ of prohibition sought for by the appellant / petitioner ought to have been allowed by the writ court even in the second case.

23. Apart from all these reasons insofar as the appellant / petitioner is concerned as a Head of the Institution of the NIFT, Chennai she has rendered yeoman service and after completion of service on supervision she retired peacefully.

24. When that being the position, nothing could be maligned against a retired Head of the Institution and in the capacity of the Director of the Institution whatever the action she has taken against any individual is only



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on the basis of the rules and regulations of the Institution by strictly following the norms and in order to mend the way of some of the erring officials or staff or faculties, such kind of actions taken by the Head of the Institution or the Management of the Institution, based on which, if the individual get annoyed, such kind of situation alone cannot justifies such individuals to go before the Commission to make a frivolous complaint against the Head of the Institution and based on which, if the Commission without giving a proper opportunity and without examining the issue on factual matrix in correct prospective proceed further mechanically against those persons against whom such frivolous complaint has been made by such disgruntled individuals that would lead to a disastrous consequences.

25. Therefore for all these reasons we are of the firm view that both the writ petitions filed by the appellant / petitioner ought to have been allowed by the writ court. However, the learned writ court since have not shown its indulgence by examining the issue in proper perspective since has rejected those writ petitions through the impugned orders, we are inclined to set aside those orders and by thus allowing the present appeals thereby allowing the said writ petitions with the respective prayers.



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26. Accordingly, both the writ appeals are allowed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) (H.C., J.)
18.09.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation : Yes / No

tsvn

To

1. The Secretary to Government
Union of India
Ministry of Textiles, Udyog Bhavan,
Dr.Moulana Azad Road,
New Delhi - 110 011.
2. The Director General
National Institute of Fashion Technology,
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New Delhi - 110 016.

3. The Secretary

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New Delhi - 110 003.

4. The Chairman

National Commission for Scheduled Castes,
5th Floor, Lok Nayak Bhavan, Khan Market,
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