



W.P.No.24177 of 2025

In the High Court of Judicature at Madras

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Reserved on : 14.8.2025	Delivered on: 19.8.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.24177 of 2025
& WMP.Nos.27206 & 27207 of 2025

Satya Sundar Sethy,
 Professor, IIT, Madras

...Petitioner

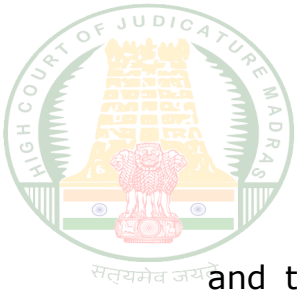
Vs

1.The Complaints Committee
 against Sexual Harassment
 (CCASH), Indian Institute of
 Technology, Madras, I Floor
 of Cafe Coffee Day,
 Next to Department of
 Management Studies,
 Chennai-36.

2.The Director, Member of
 the Board of Governors,
 Indian Institute of Technology,
 Madras, Sardar Patel Road,
 Guindy, Chennai-36.

...Respondents

PETITION under Article 226 of The Constitution of India praying
 for the issuance of a Writ of Certiorari to call for the records pertaining
 to the impugned report dated 22.5.2025 made by the 1st respondent



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and the show cause notice No.F.DIR/IITM/2025/03 dated 20.5.2025 issued by the 2nd respondent and quash the same.

For Petitioner	: Ms.Aishwarya S.Nathan
For Respondents	: Mr.Karthik Rajan for M/s.Menon, Karthik, Mukundan & Neelakandan

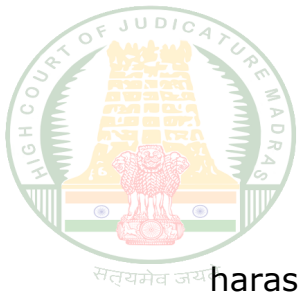
ORDER

The Professor of the Indian Institute of Technology (IIT), Madras has filed this writ petition challenging the report of the first respondent dated 22.5.2025 and the notice issued by the second respondent calling upon him to show cause as to why penalty should not be imposed against him.

2. Heard both.

3. The case of the petitioner is as follows :

(i) The petitioner is working as a Professor in the IIT, Madras from 2010 onwards. He received an email communication dated 14.10.2024 from the first respondent stating that a complaint has been lodged against him by a female student alleging sexual



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harassment. Immediately, the petitioner gave a reply stating that those allegations were false. He also expressed his willingness to cooperate with the inquiry. Pursuant to that, the petitioner was summoned for an inquiry on 02.11.2024 and 06.1.2025 and deposed the correct facts. Thereafter, the petitioner was not aware of the further proceedings that took place before the first respondent.

(ii) Ultimately, vide the impugned email communication dated 22.5.2025, the first respondent intimated the findings to the petitioner by placing reliance upon the list of annexure and the statements of 17 witnesses. The grievance of the petitioner is that none of those documents was served on him and that he was not given an opportunity to cross examine those witnesses.

(iii) Later, the petitioner also received the impugned notice dated 20.5.2025 from the second respondent calling upon him to show cause as to why punishment should not be imposed against him based on the report of the first respondent dated 22.5.2025. Aggrieved by that, the above writ petition has been filed before this Court.

4. The Registrar of the IIT, Madras filed a counter affidavit on behalf of the respondents wherein the following stand has been taken :



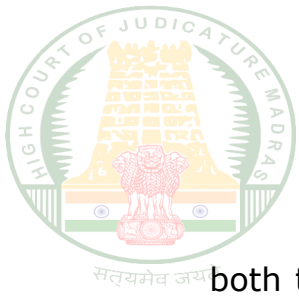
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(i) A preliminary objection was taken on the maintainability of the writ petition on the ground that the IIT, Madras is governed by the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (for short, the CCS CCA Rules), which have been adopted in addition to the provisions of the Statutes. As per the Proviso to Rule 14(2) of the CCS CCA Rules, when a complaint of sexual harassment is given by a faculty, it has to be inquired into by the Internal Complaints Committee constituted by the second respondent under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the PoSH Act).

(ii) In the case in hand, the first respondent conducted an inquiry and submitted a report to the second respondent. Being an employer, the second respondent considered the same and proceeded further in accordance with Rule 15 of the CCS CCA Rules by issuing the notice dated 20.5.2025 to the petitioner to show cause as to why further action should not be taken based on the report of the first respondent.

(iii) The petitioner has the opportunity to put forth all the defenses before the second respondent against the findings of the first respondent. Instead, the above writ petition has been filed against



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both the report of the first respondent dated 22.5.2025 as well as the show cause notice dated 20.5.2025 issued by the second respondent. There is no cause of action for the petitioner to maintain this writ petition since the report of the first respondent is not conclusive.

(iv) The petitioner has a right of appeal to challenge the findings of the first respondent under Section 18 of the PoSH Act. However, such an appeal can be filed only when a final, binding and enforceable order is passed under Section 13(4) of the PoSH Act. In this case, the first respondent is merely an Inquiry Officer under the CCS CCA Rules and the findings of the first respondent are not final. It is always open to the petitioner to question the findings of the first respondent before the second respondent and hence, no cause of action has arisen to file an appeal under Section 18 of the PoSH Act. Accordingly, the respondents sought for dismissal of this writ petition.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned report of the first respondent dated 22.5.2025 and the impugned show cause notice dated 20.5.2025 issued by the second respondent.



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6. The main issue that is involved in this writ petition is as to whether the petitioner can maintain the writ petition against the report filed by the first respondent and the show cause notice issued by the second respondent calling for an explanation from the petitioner.

7. The main ground that was raised on the side of the petitioner is that the case in hand is squarely covered by the provisions of the PoSH Act and that the respondents cannot ignore the said procedure on the ground that the IIT, Madras has adopted the CCS CCA Rules.

8. In the decision in ***Aureliano Fernandes Vs. State of Goa*** [reported in 2024 (1) SCC 632], the Hon'ble Apex Court had an occasion to deal with the interplay between the POSH Act and the Proviso to Rule 14(2) of the CCS CCA Rules, the relevant portions of which are extracted as hereunder :

".....

(b) *Extent of Adherence to the 'As Fas As Practicable' Norm*

65. *Assuming as correct, the submission made by learned counsel for the respondents no.2 and 3 that the Committee was not bound to strictly follow a step by step procedure for conducting an*



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inquiry having due regard to the proviso to Rule 14(2) of the CCS (CCA) Rules that permits a Committee to enquire into a complaint of sexual harassment 'as far as practicable', in accordance with the procedure laid down in the Rules, the question that would still beg an answer is whether the inquiry conducted by the Committee in the instant case, would meet the 'as far as practicable' norm?

66. Rule 14 prescribes the procedure required to be followed for conducting an inquiry by a Public Authority which entails issuance of a charge sheet, furnishing details of the Articles of Charge, enclosing statements of imputations in respect of each article of charge, forwarding of a list of witnesses and the documents sought to be relied upon by the Management/employer. The said procedure may not have been strictly followed by the Committee in the present case, but it is not in dispute that all the complaints received from time to time and the depositions of the complainants were disclosed to the appellant. He was, therefore, well aware of the nature of allegations levelled against him. Not only was the material proposed to be used against him during the inquiry furnished to him, he was also called upon to explain the said material by submitting his reply and furnishing a list of witnesses, which he



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did. Furthermore, on perusing the Report submitted by the Committee, it transpires that depositions of some of the complainants were recorded audio- visually by the Committee, wherever consent was given and the appellant was duly afforded an opportunity to cross-examine the said witnesses including the complainants. The charges levelled by all the complainants were of sexual harassment by the appellant with a narration of specific instances. Therefore, in the given facts and circumstances, non-framing of the Articles of Charge by the Committee cannot be treated as fatal. Nor can the appellant be heard to state that he was completely in the dark as to the nature of the allegations levelled against him and was not in a position to respond appropriately. So far, so good.

.....

77. The intent and purpose of the proviso inserted in Rule 14(2) of CCS (CCA) Rules and Rule 3C of CCS (Conduct) Rules is that the procedure required to be adopted for conducting an inquiry into the complaint of sexual harassment that can lead to imposition of a major penalty under the Rules, must be fair, impartial and in line with the Rules. Pertinently, the emphasis on adhering to the principles of natural justice during an inquiry conducted by a Complaints Committee finds



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specific mention in Rule 7(4) of the subsequently enacted Rules of 2013. But the spirit behind the due process could never be suppressed or ignored even in the absence of the Statute or the Rules inasmuch as the principles of natural justice is the very essence of the decision-making process and must be read into every judicial or even a quasi-judicial proceeding.

78. This is not to say that the Committee even if described as an Inquiring authority, by virtue of the ruling in Medha Kotwal's case [2013 (1) SCC 311] and required to follow the procedure prescribed under Rule 14, was expected to conduct the inquiry as if it was a full-fledged trial. The expression used in the proviso to Rule 14(2), 'as far as practicable' has to be read and understood in a pragmatic manner. In any such proceedings initiated by the Disciplinary Authority, a calibrated balance would have to be struck between the rights of a victim of sexual harassment and those of the delinquent employee. At the same time, fairness in the procedure would have to be necessarily adopted in the interest of both sides. After all, what is sauce for the goose, is sauce for the gander."

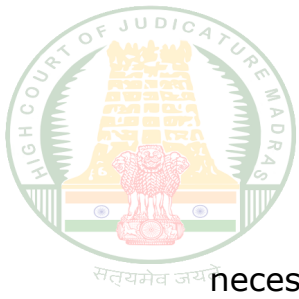


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9. The above judgment of the Hon'ble Apex Court arose out of a case where the delinquent employee was imposed with a major penalty of dismissal from service by accepting the report of the Standing Committee for Prevention of Sexual Harassment at Work Place. That was a case where the employee was governed by the CCS CCA Rules. The Proviso to Rule 14(2) of the CCS CCA Rules permits a Committee to inquire into the complaint of sexual harassment 'as far as practicable' in accordance with the procedure laid down in the CCS CCA Rules.

10. In the said judgment, the Hon'ble Apex Court was dealing with the scope of this term and as to how far the procedure must satisfy this requirement. It was ultimately held that this expression must be read and understood in a pragmatic manner and a balance must be struck between the rights of the victim of sexual harassment and those of the delinquent employee. Thus, the Court must see if there is any fairness in the procedure adopted in the interest of both sides. This would mean that the facts of each case will have to be considered and more so since it involves sexual harassment in the work place and the scenario that prevails in each case has to be



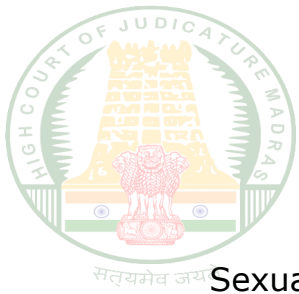
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necessarily taken into consideration. In other words, the inquiry cannot be proceeded like it happens in a regular inquiry against a delinquent employee as is understood in the service jurisprudence.

11. In the case in hand, the complaint was given by a female student against the petitioner, who is a professor working in the institution. The witnesses, who were examined, are also the students and therefore, considering the nature of relationship between the parties, namely the professor and the students, the situation has to be handled carefully without unnecessarily exposing the victim girl and the witnesses and at the same time, it must be ensured that the principles of natural justice are followed before condemning/punishing the delinquent employee.

12. The learned counsel for the petitioner also brought to the notice of this Court the decision in ***Prof.Anandh Subramaniam Vs. Union of India & Others [Writ-A.Nos.2273 and 4492 of 2023 dated 05.5.2025]*** wherein a learned Single Judge of the Allahabad High Court dealt with the interplay between the PoSH Act and the Indian Institute of Technology, Kanpur (Inquiry into Complaints of



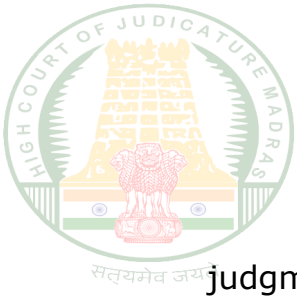
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Sexual Harassment of Women at Work Place) Rules, 2021 (for short, the IITK Rules). Ultimately, it was held that the IITK Rules were not framed under the PoSH Act and it is the PoSH Act, which dealt with the procedure to be adopted, that if the same is not followed, it will require interference of the Court and that to the extent, to which, the IITK Rules run counter to the PoSH Act, it must be held to be ultra vires.

13. In the instant case, notice was issued to the petitioner by the first respondent and twice, the petitioner was present and his statement was recorded. The first respondent also recorded the statement of the victim girl and the witnesses. The question is as to whether the petitioner ought to have been given an opportunity either to cross examine the witnesses or to be present at the time of recording their statements.

14. As was observed supra, a case of this nature cannot be dealt with like a regular departmental inquiry. It involves girl students pitted against a professor. Therefore, in the presence of a professor, the victim girl or the girl students may not be able to express themselves. That is the reason as to why the Hon'ble Apex Court in the above



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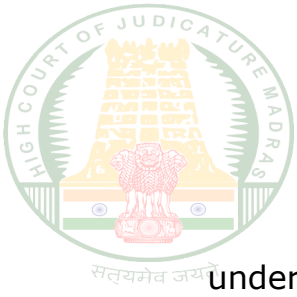
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judgment held that there must be fairness in the procedure. This would only mean that the principles of natural justice must be followed since an adverse result will lead to civil consequences for the delinquent employee.

15. The first respondent is not the deciding authority and the first respondent is given the status of an Inquiry Officer. After recording the statements of all concerned, the report has been placed before the second respondent along with the findings. This report, by itself, does not give any cause of action for the petitioner to question the same.

16. It was contended on the side of the petitioner that the Appellate Authority under Section 18 of the PoSH Act was not available during the relevant point of time and that therefore, the above writ petition has been filed before this Court.

17. To file an appeal under Section 18 of the PoSH Act, there must be a cause of action for the petitioner. None of the prerequisites



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under Section 18 of the PoSH Act is satisfied in this case and therefore, even if the petitioner had filed an appeal, it is not maintainable.

18. The petitioner is also aggrieved by the language that has been used in the show cause notice dated 20.5.2025 as if the second respondent already accepted the report of the first respondent and that the notice has been given to the petitioner only for awarding the appropriate penalty.

19. The learned counsel for the petitioner submitted that if the inquiry report of the first respondent dated 22.5.2025 has already been acted upon and what remains is only the imposition of penalty, there is nothing to inquire further and the notice itself is only an empty formality. According to the learned counsel, this procedure adopted is in complete violation of the principles of natural justice.

20. It may be true that the show cause notice dated 20.5.2025 issued by the second respondent is not happily worded. It sounds as if the notice has been given indicating that the imposition of penalty alone remains. This can only be held to be a tentative conclusion by



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the second respondent. Merely because the show notice issued by the second respondent dated 20.5.2025 indicates the proposed penalty, it cannot be said that the second respondent has already taken a decision. This is more so since the inquiry report of the first respondent dated 22.5.2025 has been served on the petitioner and the petitioner was expected to give his reply for the notice.

21. The Hon'ble Apex Court in the judgment in ***Boloram Bordoloi Vs. Lakhimi Gaolia Bank [reported in 2021 (3) SCC 806]*** held as follows :

"10. Though the learned counsel for the appellant has argued that even before tentative conclusion is arrived at by the disciplinary authority, the enquiry report has to be served upon him, but there is no such proposition laid down in the judgment of this Court in ECIL Vs. B.Karunakar [1993 (4) SCC 727]. In the aforesaid judgment of this Court it is held that delinquent employee is entitled to a copy of the enquiry report of the enquiry officer before the disciplinary authority takes a decision on the question of guilt of the delinquent. Merely because a show cause notice is issued by indicating the proposed punishment it cannot be said that disciplinary



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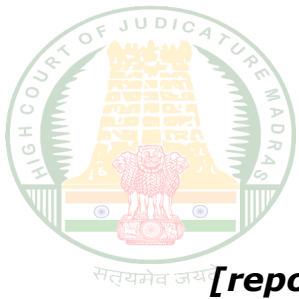
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authority has taken a decision. A perusal of the show cause notice dated 30.07.2005 itself makes it clear that along with the show cause notice itself enquiry report was also enclosed. As such, it cannot be said that the procedure prescribed under the rules was not followed by respondent?bank."

22. The above judgment will apply to the facts of the present case and this Court holds that the show cause notice dated 20.5.2025 issued by the second respondent is not merely for the purpose of awarding penalty and it has been issued for providing an opportunity to the petitioner to question the report of the first respondent dated 22.5.2025 and put forth his defence and both will be considered by the second respondent on its own merits and in accordance with law before arriving at a final conclusion.

23. The inquiry report, per se, is nothing but a fact finding report and that, by itself, will not give any cause of action to challenge the report.

24. Useful reference can be made to the decision of a Division Bench of the Delhi High Court in ***Khajan Singh Vs. Union of India***



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[reported in 2024 SCC OnLine Delhi 3802] wherein the relevant portions are extracted as hereunder :

"43. It is the submission of Mr.Rao that in the case of Dr.P.S.Malik-I, it was held by the Supreme Court that the petitioner therein had a right to appeal against the recommendation made under Section 13(2) or (3) of the Act of 2013, which was appealable under Section 18 (1) of the Act of 2013. He also states that this Court in Dr. P.S.Malik-II, on which reliance has been placed by Mr.Sharma and Ms.Arora, has not referred to the observation made by the Supreme Court in Dr. P.S.Malik-I, but relied upon the judgment Dinesh Chandra Mishra (supra), which was rendered prior in time.

44. Suffice to state that the Supreme Court in Dr.P.S.Malik-I, did state what has been noted above but at the same time, the Supreme Court did not consider the issue in the context of what shall be the effect of the provisions of Rules of 1965 on Section 18(1) of the Act of 2013. Even otherwise, the provision of remedy of appeal if seen in the context of Rules of 1965, under Rule 15(2) of Rules of 1965, the petitioner has a remedy to challenge the findings of the CLICC before the Disciplinary Authority, which is not available under the Act of 2013. Therefore, it is in



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such a context that Section 18 contemplates a remedy of appeal in accordance with the provisions of the service rules. So, it follows that the Rules of 1965, having provided the remedy to challenge the findings of the CLICC, the Division Bench in Dr. P.S.Malik-II, held that the said requirement more than sub-serves the purpose of appeal under Section 18 of the Act of 2013.

45. At this stage, it is also necessary to highlight the submission of Mr.Rao that a remedy of an appeal before a Court or Tribunal as per the service rules, stipulated under Section 18 of the Act of 2013, has been provided with an intention to provide remedy outside the administrative process to an independent authority, who given the nature of misconduct, shall have to consider the issue fairly. Though, the said submission of Mr.Rao, looks appealing on a first blush but on a deeper consideration, when remedy to challenge is provided under the service rules (representation), reading a further remedy of Court/Tribunal, shall have the effect of providing a remedy of challenging the findings outside the realm of administrative process to a Court/Tribunal, which shall make Rule 15 of the Rules, 1965, framed under the proviso to Article 309, nugatory. In fact, there would be a conflict between Rule 15 of the Rules of 1965 and Section 18 of the Act of 2013,



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providing two remedies against the findings of the CLICC. So, it follows that both the provisions must be construed harmoniously, so that one provision does not defeat the other provision.

46. Meaningfully read, it has to be construed that in an eventuality that the Committee/CLICC returns the findings against a government servant, the representation against those findings made by a Charged Officer as per the procedure laid down under Rule 15 of Rules of 1965 thereof, shall satisfy the remedy akin to appeal under Section 18 of the Act of 2013, which is applicable only where the rules concerned specifically prescribe Court or Tribunal as a remedy for filing appeal against the finding/recommendations made by the committee in a given case or where there are no rules, the appeal may be preferred in such manner as may be prescribed. In other words, the rules being in existence providing the remedy to challenge the findings/recommendations of the CLICC in the form of representation to the Disciplinary Authority, by harmoniously construing Section 18 of the Act of 2013, which specifically provides that an aggrieved person may prefer an appeal before a Court or Tribunal in accordance with the provisions of the Service Rules, it must be held that in cases like present one, where procedure of representation against the findings is provided under the Rules of



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1965, the remedy to challenge the findings/recommendations, shall surely lie before the Disciplinary Authority as a higher and independent authority and not as a remedy of appeal under Section 18 of the Act of 2013.

47. That being the harmonious construction of Section 18 of the Act of 2013 and Rule 15 of the Rules of 1965, we are of the view, the submission of Mr.Rao, that a remedy other than the Rule 15 of the Rules of 1965, as contemplated under Section 18 of the Act of 2013, before the Court or Tribunal, ought to be prescribed separately by the respondents under the concerned service rules, is not sustainable.

.....

58. We may state here that the said submission of Mr.Rao, is not appealing to us for the reason that Section 13(4) of the Act of 2013, cannot be read in isolation, when the Rules of 1965 (Rules 15) read in consonance with the Act of 2013 (Section 18), provide for the remedy of challenging the findings/recommendations of the CLICC. It needs to be highlighted that Section 13(4) would only come into play, when the recommendations/findings of the CLICC, attain the finality. It goes without saying that once the recommendations/findings are challenged by the Charged Officer before a higher authority i.e., Disciplinary



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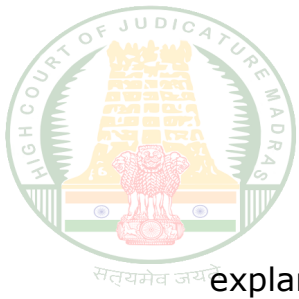
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Authority, Section 13(4) will not come into play. In other words, Section 13(4) would only kick in, if in the eventuality the Charged Officer, accepts the findings/recommendations of the CLICC, without any demur, which is not the case here. Therefore, this plea of Mr.Rao, is also not sustainable."

25. It is now too well settled that interference into the inquiry proceedings must be avoided as much as possible while exercising the discretion under Article 226 of The Constitution of India, so that the disciplinary proceedings is not unduly delayed and its purpose is not frustrated.

26. In the light of the above discussions, this Court does not find any ground to interfere with both the impugned report of the first respondent dated 22.5.2025 as well as the impugned show cause notice dated 20.5.2025 issued by the second respondent. It is made clear that apart from furnishing the report of the first respondent dated 22.5.2025, the second respondent shall also furnish the copies of statements recorded from the victim girl and the witnesses. This shall be done within a period of two weeks from the date of receipt of a copy of this order. On receipt the same, the petitioner shall submit his

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explanation to the second respondent within a period of four weeks therefrom. After receipt of the explanation from the petitioner, the second respondent shall provide an opportunity of hearing to the petitioner, deal with the matter on its own merits and in accordance with law and take a final decision as expeditiously as possible.

27. The writ petition is dismissed with the above directions. No costs. Consequently, the connected WMPs are also dismissed.

19.8.2025

Index : Yes

Neutral Citation : Yes

To

1.The Complaints Committee
against Sexual Harassment
(CCASH), Indian Institute of
Technology, Madras, I Floor
of Cafe Coffee Day,
Next to Department of
Management Studies,
Chennai-36.

2.The Director, Member of
the Board of Governors,
Indian Institute of Technology,
Madras, Sardar Patel Road,
Guindy, Chennai-36.



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N.ANAND VENKATESH,J

RS

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