



WEB COPY



W.P.(MD).No.32553 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.32553 of 2025

and

W.M.P(MD)Nos.25649 & 25650 of 2025

D.Ramesh

...Petitioner

-Vs-

1. The Bharathidasan University
Rep by its Registrar
Tiruchirappalli 620 024

2. The Internal Complaints Committee
Rep by its Presiding Officer
Bharathidasan University
Tiruchirappalli 620 024

3. B.R.Hemavarshini

...Respondents

Prayer : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st respondent, Bharathidasan University in R.C.No.802/H2/BDU/2025 dated 10.10.2025 retiring the petitioner on Compulsory Retirement from the post of Associate Professor in Remote Sensing, Quash the same, and further Direct the 1st respondent to reinstate the petitioner as Associate Professor in Remote Sensing, with all attendant benefits including continuity of service and



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arrears of salary within a reasonable time as may be stipulated by this Honble Court and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice

For petitioner : Mr.K.Ragatheesh Kumar
Advocate
for
M/s.Isaac Chambers

For Respondent Nos.1 & 2 : M/s.V.R.Shanmuganathan
Standing Counsel

ORDER

This writ petition is filed challenging the impugned order passed by the 1st respondent, Bharathidasan University in R.C.No. 802/H2/BDU/2025 dated 10.10.2025, wherein, retiring the petitioner on Compulsory Retirement from the post of Associate Professor in Remote Sensing and seeking consequential direction to the 1st respondent to reinstate the petitioner as Associate Professor in Remote Sensing, with all attendant benefits including continuity of service and arrears of salary.

2. The learned Counsel for the petitioner would submit that when the petitioner was working as a Associate Professor in the first respondent University, a complaint was made by the 3rd respondent against the



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petitioner alleging violation of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred as 'POSH Act'). The 2nd respondent committee enquired the said complaint lodged by the 3rd respondent. The 2nd Respondent examined witnesses on two separate occasions, but on none of these occasions was the petitioner given an opportunity to present his case or to cross-examine the witnesses, and the entire proceedings by the 2nd Respondent were conducted behind the petitioner's back.

3. He further submits that the mandates of the POSH Act, 2013 had also not been followed and necessary opportunities have not been given to the petitioner. Thereafter, without even calling upon the petitioner to submit his explanation, the syndicate of the 1st respondent University had passed a resolution by imposing a punishment of compulsory retirement on the petitioner. Based upon which, the petitioner had also been compulsorily retired and hence he had approached this Court with the present writ petition.



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4. He would further submit that not only did the 2nd respondent violate all the provisions of the POSH Act in conducting the enquiry, but also failed to provide the petitioner an opportunity to defend himself, cross-examine the witnesses, or access the enquiry report. The first respondent had also not followed the procedure or guidelines issued with regard to the conduct of the disciplinary proceedings against the petitioner and an order of compulsory retirement has been imposed. Hence, he prays this Court to allow the writ petition.

5. The learned Standing Counsel appearing for the 1st respondent would submit that when the complaint has been received against the petitioner, the same was placed before the 2nd respondent, the petitioner was directed to appear before the 2nd respondent on 25.04.2025 for enquiry. He further submits that he had been given notice of enquiry and he was also directed to appear before the committee and the petitioner failed to appear before the committee. He would further submits that there has been no violation of any of the provisions of the POSH Act and when enquiring the witnesses it has been found that the complaint made against the petitioner have been proved and in that regard a report had also been sent to the first



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respondent University by the second respondent, only upon which, a punishment had been imposed upon the petitioner. Hence, he prays this Court to dismiss the writ petition.

6. I have carefully considered the submissions made on either side and perused the materials available on record.

7. Admittedly, a complaint had been made against the petitioner on 18.04.2025 by the 3rd respondent. The petitioner had primarily assailed the order impugned by contending that the provisions of the POSH Act and the procedure for disciplinary proceedings have not been followed by both the 1st and 2nd respondents. This Court carefully perused the counter affidavit filed by the first respondent in that regard. Even though the counter affidavit averred that notice has been issued to the petitioner, there is no averment as to whether the petitioner was present before the 2nd respondent or absent. Even though, the counter accepts that enquiry of witnesses was held on 17.05.2025, & 07.07.2025 and there is not even a iota of averments to show that the petitioner had been informed for enquiry of witnesses and if so whether he had been permitted to cross-examine the



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witnesses has also not been made. The Counter further does not disclose as to whether the petitioner had been issued with the show cause notice based upon the enquiry report submitted by the 2nd respondent, calling upon his further explanation. Further reading of the report submitted by the 2nd respondent, there is no recording of fact of service of summons on the petitioner with regard to the enquiry, recording of evidences and the opportunity granted to the petitioner. All it has recorded are the statement of witnesses in the meeting held by it. Hence, the report itself would suggest that the 2nd respondent had not followed the provisions laid down under the POSH Act, for conducting enquiry.

8. It is further to be noted that pursuant to the resolution of the syndicate held on 22.09.2025, the petitioner had been compulsorily retired from service on 10.10.2025. A reading of the said impugned communication do not indicate that after the report of the Internal Complaints Committee, the petitioner had been given an opportunity to submit his remarks. Hence, this Court conclusively concludes that there has been a violation of not only the provisions of the POSH Act, but also the procedure that has been contemplated for the disciplinary proceedings against the university employees.



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9. For the aforesaid reasons, the writ petition stands allowed and the impugned order is set aside. There shall be a direction to the 2nd respondent to conduct enquiry in consonance with Section 11 r/w.Rule 7 of POSH Act by giving necessary opportunity to the petitioner to present his case and to allow him to cross-examine the witnesses presented against the petitioner and submit a report to the employer namely the first respondent as per Section 13 of POSH Act and he shall thereafter issue a second show cause notice to the petitioner calling for his further explanation and thereafter decide the matter on merits in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

19.11.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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K.KUMARESH BABU.J.

gvn

To

1. The Bharathidasan University
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Rep by its Presiding Officer
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