

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2591 OF 2025**

Sudhir Vithal Medhekar

...Petitioner

Versus

Municipal Corporation of Greater Mumbai & Anr.

...Respondents

Mr. Suresh Sabrad a/w Mr. Amey Sawant, Mr. Pratik Sabrad and Ms. Eshwaree Kudalkar for the Petitioner.

Mr. Prashant Kamble a/w Ms. Rupali Adhate i/b. Ms. Komal Punjabi for Respondent – BMC.

CORAM : R. I. CHAGLA AND
ADVAIT M. SETHNA, JJ.

DATED : 17th APRIL, 2026

P.C.:-

1. Rule. Rule returnable forthwith. With the consent of the parties heard finally.

2. By this Writ Petition, the Petitioner has sought for expunging clause (5) of the findings dated 5 September 2024 of the Main Internal Complaint Committee (“**MICC**” for short) on the ground that it contains adverse remarks against the Petitioner. Further prayer is sought for quashing and setting aside the admonitory/warning memo dated 20 September 2024 issued by the Deputy Municipal Commissioner (Public Health), pursuant to clause (5) of the said MICC findings.

3. The Petitioner was the Dean of the Respondent – Topiwala National Medical College and B.Y.L. Nair Charitable Hospital (Nair Hospital) when the impugned clause (5) of the findings dated 5 September 2024 was

issued/recorded by the MICC. The rest of the MICC findings are as a result of a complaint filed by a second year MBBS student on 8 April 2024 alleging the sexual harassment at workplace against one Doctor. The complaint was not addressed to the Petitioner but was submitted directly to the Internal Complaint Committee (Referred to as "ICC") at Nanavati Hospital, comprising Dr. Janhavi Kedare as Chairman and Dr. Sanjay Swami as Secretary.

4. The Petitioner has stated that upon receipt of the complaint, objections were raised concerning involvement of aforementioned members of the ICC, whose names were also referred to in the complaint itself. Consequently, in order to ensure impartially, inquiry proceedings were transferred to the MICC functioning under the Savitribai Phule Gender Resource Centre, (SPGRC) of the Municipal Corporation of Greater Mumbai, (MCGM).

5. The MICC had submitted its findings on 5 September 2024 which contained the adverse remark at clause (5) against the Petitioner.

6. The Petitioner states that he was neither a party to the proceeding before MICC, nor was he ever issued a notice or given an opportunity to be heard in connection with such findings. Despite this, serious and adverse remarks have been made in clause (5) of the impugned findings implicating the Petitioner in the alleged non-cooperation and obstruction of legal procedure, thereby causing grave prejudice to his reputation and

professional standing.

7. The Petitioner has stated that pursuant to the impugned clause (5) of the MICC findings, the Deputy Municipal Commissioner (Public Health) issued an admonitory/warning dated 20 September 2024 to the Petitioner. The Petitioner being aggrieved by the remarks in clause (5) of the MICC findings and impugned memo made detailed representations on 31 October 2024 and 10 December 2024 to the Municipal Commissioner, MCGM requesting the expunging of clause (5) of the MICC findings and withdrawal of the impugned warning memo.

8. The Petitioner has filed an additional affidavit dated 15 April 2024 wherein at Exh. 'A' the published material, including the extracts of website contents have been annexed. The Petitioner states that the material published in the extracts have the effect of tarnishing the reputation and image of the Petitioner in the public domain.

9. The Petitioner has further stated that in view of the publication based on clause (5) of the MICC findings, there is creation of misleading and adverse impression about the Petitioner and associates him with serious allegations causing irreparable harm to his professional reputation.

10. The Petitioner has also referred to an order dated 31 July 2025 passed by this Court wherein the Respondent – Corporation was directed to conclude enquiry against the Petitioner within a period of 30 days. The Petitioner has stated that the Respondent - Corporation has neither

concluded the enquiry nor sought extension of time from this Court for not having concluded the enquiry within the time stipulated by this Court. He has relied upon the Impugned Order in order to demonstrate that this is harassment made to the Petitioner at the hands of the Respondent – Corporation.

11. Mr. Sabrad, learned counsel appearing for the Petitioner states that the Petitioner's reputation has been tarnished by the said clause (5) of the MICC findings and this is affecting his present position as Dean of Hinduhruday Samrat Balasaheb Thackeray Medical College and Dr. R.N. Cooper General Municipal Hospital, Juhu, Mumbai in which capacity he has been serving since 3 October 2024. He has submitted that there is a gross violation of natural justice in that the Petitioner has been issued an admonitory/warning memo based on clause (5) of the MICC findings, without being given an opportunity of being heard in connection with the impugned clause (5) finding. He has submitted that the impugned clause (5) finding as well as the admonitory/warning memo dated 20 September 2024 requires to be quashed and set aside as being in violation of the principles of natural justice.

12. Mr. Kamble, learned counsel appearing for the Respondent – Corporation states that the Respondent – Corporation had issued the impugned warning memo dated 20 September 2024 based on the finding in clause (5) of the MICC dated 5 September 2024 as the concerned matter

was under the Prevention of Sexual Abuse of Women Act (“POSH Act”). The Respondent – Corporation had taken a view that the Nair Hospital Authorities had not acted in a prompt manner and/or failed to take timely action in relation to complaints of sexual harassment made by the student against a Doctor.

13. Having considered the submissions, we are of the view that the impugned clause (5) of the MICC findings dated 5 September 2024 and the impugned warning memo dated 20 September 2024 issued by the Deputy Municipal Commissioner (Public Health) of the Respondent – Corporation pursuant thereto is in violation of the principles of natural justice. The said findings and warning memo has been issued without affording any opportunity to the Petitioner to represent his case and/or meet with the complaint made by the MICC viz. that the Petitioner as Dean of Nair Hospital had failed to take timely action in communicating the complaint to the appropriate/competent authority.

14. The Petitioner, by such adverse remarks, is suffering damage to his reputation, particularly considering that he is currently serving as the Dean of the Hinduhruday Samrat Balasaheb Thackeray Medical College and Dr. R.N. Cooper General Municipal Hospital, Juhu since 3 October 2024. This is borne out from the additional affidavit filed by the Petitioner wherein at Exh.-A there are extracts of publications from websites which are on the basis of information arising out of clause (5) of the MICC findings (supra).

15. There is merit in the contention on behalf of the Petitioner that based on the impugned clause (5) of the MICC findings a misleading and adverse impression has been created about the Petitioner that associates him with serious allegations thereby causing irreparable harm to his professional reputation. It is pertinent to note that the Respondents have nowhere stated nor is it their case that there are allegations of sexual misconduct against the Petitioner by the complainant. The only complaint of the Respondents is that the Petitioner has failed to take timely action in respect of the communicating the complaint of sexual harassment made by the student against the Doctor. Moreover, the Respondents on a query from this Court have clarified that the said remarks at clause (5) do not form a part of the ACR of the Petitioner.

16. Taking an overall view of the matter, the Petition is required to be allowed. Clause (5) of the MICC findings dated 5 September 2024, containing the adverse remarks against the Petitioner, is expunged.

17. We further quash and set aside the impugned warning memo dated 20 September 2024 issued by the Deputy Municipal Commissioner (Public Health), pursuant to clause (5) of the MICC findings.

18. The Writ Petition is disposed of in these terms. There shall be no order as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]