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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	25.09.2026
Pronounced on	27.10.2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No.17301 of 2020 and W.P.No. 29937 of 2023

CNR:{HCMA011147012020}
CNR:{HCMA011839852023}

and

WMP Nos. 21404, 21405 and 21409 of 2020, WMP No. 19240 of 2021, WMP No. 29546 of 2023 and WMP.Nos.10321 and 10323 of 2026

W.P.No.17301 of 2020

CNR:{HCMA011147012020}

S. Mathava Kumar

Vs

1. The Chairman,
   Board of Governors,
   Indian Institute of Technology Madras,
   Chennai Chennai.

2. The Director,
   Indian Institute of Technology Madras,
   Chennai.

3. The Chair Person,
   Complaints Committee against Sexual Harassment (CCASH), Indian Institute of Technology Madras, Chennai.

W.P.No.29937 of 2023
CNR:{HCMA011839852023}

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S.Mathava Kumar

..Petitioner(s)

Vs

1. The Director
   Indian Institute of Technology Madras ,
   Chennai.

2. The Dean (faculty)
   Indian Institute of Technology Madras,
   Chennai.

..Respondent(s)

Prayer in W.P.No.17301 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the recommendations of the Complaints Committee Against Sexual Harassment (CCASH) viz., 3rd respondent herein as communicated in its letter sent through mail No.Nil dated 23/ October / 2020 and quash the same and consequently forbear the respondents 1 and 2 from acting on the said recommendation to the detriment of the petitioner

Prayer in W.P.No.29937 of 2023:- directing the respondents to consider the petitioner’s candidature for appointment as Professor in Civil Engineering Department pursuant to the Advertisement No. IITM/ MBS/ 1/ 2023 dated 04.09.2023

For Petitioner(s): Mr.V.Vijay Shankar

For Respondent(s): Mr.Karthik Rajan,
Standing Counsel

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COMMON ORDER

Writ Petition in W.P.No.17301 of 2020 has been filed challenging the recommendation of the third respondent dated 23.10.2020.

2. The Writ Petition in W.P.No.29937 of 2023 has been filed seeking a direction to consider the petitioner's candidature for appointment to the post of Professor in the Department of Civil Engineering.

3. Since both the Writ Petitions are interconnected, they are taken up together for consideration.

4. The brief facts which are necessary for the disposal of the present Writ Petitions are that the petitioner, Madhavakumar, served as an Assistant Professor at NIT Calicut from 2011 to 2014. Thereafter, he joined IIT Madras as an Assistant Professor in the Department of Civil Engineering in November 2014 and was promoted in July 2016. On 03.08.2020, the victim lodged a complaint of sexual harassment against the petitioner. The complaint was based entirely on the WhatsApp conversations between the petitioner and the victim during the period from 25.03.2020 to 27.04.2020. On 04.09.2020, the complaint lodged by the victim was forwarded to the petitioner, to which he submitted his explanation on 06.09.2020. Pursuant thereto, a virtual enquiry through Google Meet was conducted, and the minutes of the meeting dated 08.09.2020 were

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recorded. After considering the minutes of the meeting, the Internal Complaints Committee, vide its impugned recommendation dated 23.10.2020, recommended that the petitioner has to undergo POSH training, that he should not be permitted to guide any Ph.D. student for a period of two years, and that he be demoted to the post of Assistant Professor. The second respondent approved the said recommendation. Aggrieved by the same, the present Writ Petitions have been filed.

5. Heard the learned counsel for both sides and perused the materials available on record.

6. The learned counsel for the petitioner would contend that the petitioner submitted a detailed reply refuting the allegations. He would further submit that the petitioner had been guiding the victim since 2017 and that, even during the COVID-19 lockdown, he guided the victim through WhatsApp messages for a period of four months in the interest of the victim's academic pursuits. On a few occasions, the petitioner engaged in casual conversations with the victim. However, the victim misunderstood the conversations and presented them in an incorrect perspective, resulting in the complaint. It is also the contention of the learned counsel for the petitioner that no fair opportunity was afforded to the petitioner and that, without conducting a full-fledged enquiry, the respondents proceeded on the basis of the complaint.

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6.1. It is further submitted that no opportunity was afforded to the petitioner to cross-examine the witnesses. The learned counsel would submit that, had the petitioner been permitted to cross-examine the witnesses, he could have established that the conversations were not intended in the manner perceived by the victim. To crown it all, the learned counsel would contend that the respondent authorities imposed a major punishment without conducting a proper enquiry. It is also the contention of the learned counsel for the petitioner that even the enquiry report of the Internal Complaints Committee was not furnished to him. Hence, the learned counsel prayed to allow these Writ Petitions.

7. Per contra, the learned Standing Counsel appearing for the respondents would contend that the petitioner never raised any objection during the enquiry conducted by the Internal Complaints Committee. Therefore, the present objection regarding the denial of an opportunity to cross-examine the witnesses is an afterthought. The learned Standing Counsel would further contend that a complaint of sexual harassment cannot be dealt with in the same manner as an ordinary complaint requiring a routine procedure involving the issuance of a charge memorandum, examination of witnesses and cross-examination. Since the issue is sensitive in nature, it was dealt with by a committee comprising domain experts in an appropriate manner.

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7.1. Furthermore, in the absence of any prejudice having been demonstrated by the petitioner, the contention that the enquiry report is liable to be quashed on the ground that the petitioner was not permitted to cross-examine the witnesses is far-fetched. It is the further submission of the learned Standing Counsel that the recommendation of the Internal Complaints Committee is not the final decision, as the Board is the disciplinary authority and its decision alone would attain finality and have an impact on the petitioner's civil rights. When the Board has not taken any final decision, the petitioner's attempt to prejudge the course of action is contrary to law. Hence, the learned Standing Counsel prayed to dismiss these Writ Petitions.

8. Both the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents have relied upon several judgments in support of their respective contentions.

(a) The following judgements are relied by the learned counsel for the petitioner:-

(i) ***Vijayakumaran C.P.V. v. Central University of Kerala***, reported in ***(2020) 12 SCC 426;***
(ii) ***Manonmaniam Sundaranar University v. Dr. Govindaraju,*** reported in ***2022 (3) CTC 465;***
(iii) ***Aureliano Fernandes v. State of Goa***, reported in ***(2024) 1 SCC 632;***
(iv) ***Nisha Priya Bhatia v. Union of India*** (Civil Appeal No.2365 of 2020, dated 24.04.2020);
(v) ***Ravi Selvan v. Central Board of Indirect Taxes and Customs***, reported in ***2025 SCC OnLine Mad 10673;***

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(vi) ***Dr.A.Vadivel Vs. The Chairman*** (W.A.(MD).No.1189 of 2022 dated 02.02.2026);

(vii) ***The Chief Administrative Officer (Disciplinary Authority), Visvesvaraya Iron and Steel Ltd., Vs. V.Krishnamurthy,*** reported in ***(1991) 1 Mad LJ 150;***

(viii) ***S.Shanmugam Vs. Presiding Officer,*** reported in ***2005 (1) L.L.N.404;***

(ix) ***Union of India Vs. K.V.Jankiraman*** reported in ***(1991) 4 SCC 109;***

(x) ***Union of India Vs. Anil Kumar Sarkar*** reported in ***(2013) 4 SCC 161;*** and

(xi) ***K.Karthikeyan Vs. Indian Oil Corporation Limited*** (W.P.No.18765 of 2013 dated 21.11.2014).

(b) The following judgements are relied by the learned Standing Counsel appearing for the respondents:-

(i) ***Hira Nath Mishra v. Rajendra Medical College***, reported in ***(1973) 1 SCC 805;***

(ii) ***K.L. Tripathi v. State Bank of India***, reported in ***(1984) 1 SCC 43;***

(iii) ***State Bank of Patiala v. S.K. Sharma***, reported in ***(1996) 3 SCC 364;s***

(iv) ***The Research Scholar Vs. Research Guide/Professor*** (W.A.MD).Nos.413 and 414 of 2020 dated 04.12.2024)

(v) ***Workmen of the Motipur Sugar Factory Private Ltd., Vs. The Motipur Sugar Factory*** reported in ***1965 SCC OnLine SC 77;***

(vi) ***Dr.Debashis Chakroborty Vs. The Director*** (W.P.No.9727 of 2020 dated 16.09.2020);

(vii) ***Medha Kotwal Lele and Others Vs. Union of India and others*** reported in ***(2013) 1 SCC 297;***

(viii) ***Union of India and Others Vs. Dilip Paul*** reported in ***2023 SCC OnLine SC 1423;***

(ix) ***Dinesh Chandra Mishra Vs. India Council of Agriculture Research and Others*** reported in ***2019 SCC OnLine***

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Del 8891;

(x) ***Dinesh Chandra Mishra Vs. India Council of Agriculture Research and Others*** reported in ***2020 SCC OnLine Del 1543;***

(xi) ***Khajan Singh Vs. Union of India and Others*** reported in ***2024 SCC OnLine Del 3802;***

(xii) ***Shobha C Vs. Union of India*** reported in ***2025 SCC OnLine Kar 3687;*** and

(xiii) ***Satya Sundar Sethy Vs. The Complaints Committee*** (W.P.No.24177 of 2025 dated 19.08.2025).

9. From the submissions made by the learned counsel on either side, it is evident that the outcome of W.P.No.29937 of 2023 depends upon the decision to be rendered in W.P.No.17301 of 2020. If W.P.No.17301 of 2020 is allowed, W.P.No.29937 of 2023 would also be liable to be allowed as a consequential relief.

10. I have given my anxious consideration to either sides submissions.

11. The first contention raised by the learned counsel for the petitioner relates to the violation of the principles of natural justice. It is his contention that no opportunity was afforded to the petitioner to cross-examine the witnesses and that no witnesses were examined in his presence. Without conducting a full-fledged enquiry or affording a reasonable opportunity to defend his case, the respondent authorities proceeded to impose punishment, thereby directly affecting his right to life. Contrarily, the learned Standing

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Counsel appearing for the respondents would contend that there was no occasion for the respondents to afford an opportunity for cross-examination, as the entire evidence relied upon by the respondents was of WhatsApp messages, the authenticity of which had been admitted by the petitioner. Therefore, the petitioner was in no way prejudiced in arriving at the conclusion, and cross-examination was not necessary.

12. Before delving into the merits of the matter, this Court deems it appropriate to refer to certain judgments relied upon by the learned counsel appearing on either side. The learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court in ***Vijayakumaran C.P.V. v. Central University of Kerala*****,** reported in ***(2020) 12 SCC 426,*** wherein the Hon'ble Supreme Court held that an order of termination based on allegations of misconduct, without conducting a regular departmental enquiry as required under the applicable Service Rules, could be stigmatic and that such an order could be passed only after subjecting the employee to a regular enquiry.

13. In another judgment, the Division Bench of this Court in ***Manonmaniam Sundaranar University v. Dr. Govindaraju*****,** reported in ***2022 (3) CTC 465*** held that where a delinquent employee was not afforded an adequate opportunity by providing relevant documents, and when no independent departmental enquiry was conducted in accordance with the

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applicable Service Rules, then the imposition of punishment would be violative of the mandatory statutory provisions and the principles of natural justice.

14. The Hon'ble Supreme Court, in ***Aureliano Fernandes v. State of Goa*****,** reported in ***(2024) 1 SCC 632,*** held that procedural fairness and adherence to the principles of natural justice are essential in proceedings relating to complaints of sexual harassment. The Hon'ble Supreme Court also observed that undue haste on the part of the Committee could constitute a ground for interfering with the findings of the Internal Complaints Committee. The Hon'ble Supreme Court further held that the expression "as far as practicable" occurring in Rule 14(2) of the CCS (CCA) Rules must be interpreted pragmatically and that a calibrated balance must be struck between the rights of the victim of sexual harassment, and those of the delinquent employee, without diluting the principles of natural justice.

15. In the judgment of the Hon'ble Supreme Court in ***Nisha Priya Bhatia v. Union of India*** (Civil Appeal No.2365 of 2020, dated 24.04.2020), it was held that an enquiry conducted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is a fact-finding enquiry distinct from the subsequent departmental enquiry conducted under the applicable Service Rules. The two enquiries cannot be treated as a single process, as each is governed by its own procedural framework. The Hon'ble

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Supreme Court further observed that departmental proceedings must be conducted in accordance with the relevant Service Rules while maintaining the confidentiality of the proceedings.

16. In the judgment of the Division Bench of this Court in ***Ravi Selvan v. Central Board of Indirect Taxes and Customs***, reported in ***2025 SCC OnLine Mad 10673,*** the Division Bench disbanded the enquiry committee on the ground that the enquiry had been conducted with undue haste. Though the learned counsel for the petitioner has relied upon other judgments, the principles laid down therein are substantially similar to those discussed above. Therefore, in order to avoid unnecessary elaboration, this Court does not deem it necessary to refer to the other judgments relied by the petitioner.

17. Similarly, in support of the contention that cross-examination is not invariably necessary, the learned Standing Counsel appearing for the respondents relied upon the judgment of the Hon'ble Supreme Court in ***Hira Nath Mishra v. Rajendra Medical College***, reported in ***(1973) 1 SCC 805***. The facts of the said case disclose that a group of students had entered the girls' hostel without wearing clothes. In that factual background, where the identity of the students had been established through the evidence of various witnesses, the Hon'ble Supreme Court held that cross-examination was not necessary. Though the Hon'ble Supreme Court observed that, where a reasonable and fair

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procedure is adopted, cross-examination may not be indispensable. In the above context, the factual circumstances of the reported case are distinguishable from the present case. Therefore, the said judgment is not applicable to the present case.

18. The learned Standing Counsel appearing for the respondents also relied upon the judgment of the Hon'ble Supreme Court in ***K.L. Tripathi v. State Bank of India*****,** reported in ***(1984) 1 SCC 43,*** and contended that, where an employee admits the relevant facts and does not seek cross-examination, the absence of cross-examination does not automatically result in a violation of the principles of natural justice. It was further submitted that the employee has a duty to demonstrate the actual prejudice caused by the denial of such an opportunity.

19. The learned Standing Counsel further relied upon the judgment of the Hon'ble Supreme Court in ***State Bank of Patiala v. S.K. Sharma*****,** reported in ***(1996) 3 SCC 364,*** wherein the principles laid down in ***K.L. Tripathi*** (cited supra) were considered and reiterated. It was held that, whenever a violation of the principles of natural justice is alleged, the matter must be examined from the standpoint of prejudice. The relevant test is whether, considering all the circumstances, the delinquent employee was afforded a fair hearing. The learned Standing Counsel also relied upon several other judgments laying down similar principles. In order to maintain brevity, this Court does not deem it necessary to refer even to those judgments relied by the respondents.

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20. From the foregoing discussion of the judgments and the rival submissions, the essential question that arises for consideration is, whether the respondents have followed the procedure contemplated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the applicable Service Rules as far as practicable.

21. The first submission made by the learned counsel for the petitioner concerns the failure to furnish the entire enquiry report. According to the petitioner, only the recommendations of the Committee were furnished to him. In the present case, it is not the specific case of the respondents that the complete report of the Internal Complaints Committee was furnished to the petitioner. On the contrary, the document furnished to the petitioner contains only the final recommendation of the Committee. Even a perusal of the minutes of the meeting discloses that the Committee arrived at its conclusion regarding sexual harassment based on the deposition of the victim and the WhatsApp messages exchanged between the petitioner and the victim.

22. In arriving at such a conclusion, the Committee relied upon the admission made by the petitioner regarding the authenticity of the WhatsApp messages. However, the specific submission of the petitioner is that, although the conversations took place, they were casual in nature and were intended in the context of guiding the victim in academic matters. According to the

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petitioner, a harmonious reading of the entire conversation would not warrant the conclusion that the messages amounted to sexual harassment. Therefore, unless the petitioner is furnished with the complete material relied upon by the Committee, including the relevant evidence and the deposition of the victim, it would be difficult for him to submit an effective explanation and adequately defend himself.

23. At this juncture, it is relevant to refer the present stand of the respondents in their counter affidavit in paragraph 4 (l) For ready reference, the same is extracted hereunder:-

> *"4.(l). The Board of Governors was scheduled to meet on 04.12.2020 and in its Agenda, one of the items for discussion was the CCASH recommendation on the complaint made against the Petitioner. Pre-empting any adverse decision from the Board of Governors, the Petitioner rushed to this Hon'ble Court on 30.11.2020 by way of the present Writ Petition and obtained an order of status-quo. However the Board is at liberty to convene its meeting as scheduled and can take a decision in furtherance to the report of CCASH. The Board meeting was held on 04/12/2020 wherein the Board was briefed about the case and the report with relevant documents of the CCASH, recommendations of the Board Sub-Committee on Disciplinary matters were placed before the Board for further direction. After detailed deliberations, the Board authorised the Director to issue a Charge Memorandum asking for an explanation from the faculty member based on the Complaints Committee report and the reply submitted by the faculty member may be submitted before the Board meeting for further orders. Later, on 07.12.2020, this Hon'ble Court modified the order of status-quo into that of interim stay."*

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24. Here, the main grievance urged by the petitioner is that the respondents now propose to impose a punishment on the basis of an inconclusive enquiry report which was conducted in haste manner. On a close reading of Rule 14(2) of the CCS (CCA) Rules, it is evident that the Internal Complaints Committee is treated as an enquiry authority appointed by the disciplinary authority for the purposes of the said Rules. The judgment of the Hon'ble Supreme Court in ***Aureliano Fernandes's case*** (cited supra) has explained the necessity of conducting a full-fledged enquiry, either at the stage of internal enquiry or before the disciplinary authority. Though the Internal Complaints Committee has recommended the punishment as extracted above, now the respondents 1 and 2 have decided to issue a charge memorandum.

25. On a perusal of the subsequent developments, notwithstanding the report of the Internal Complaints Committee, it is evident that the Director has issued a charge memorandum calling upon the petitioner to submit his explanation. Therefore, it appears that the respondents themselves were of the view that, before proceeding further or imposing any punishment, the enquiry conducted by the Internal Complaints Committee, which appears to have been a fact-finding enquiry, is not sufficient, and they have accordingly decided to issue a charge memorandum.

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26. In view of the aforesaid subsequent developments, this Court is of the firm view that any further deliberation on the validity of the report of the Internal Complaints Committee would amount only to an academic exercise, upon which this Court does not wish to spend its valuable time. Since the disciplinary authority has understood the scope of the report of the Internal Complaints Committee and has decided to proceed further by issuing a charge memorandum, this Court expects that, in the course of the disciplinary proceedings, the respondents will ensure compliance with the principles of natural justice by granting the petitioner reasonable time and a fair opportunity to cross-examine the witnesses, either directly or through questions submitted by the petitioner to be put to the victim through a female defence assistant or by adopting any other appropriate procedure.

27. In view of the above, this Court is of the firm view that the respondents shall proceed with the disciplinary proceedings by issuing a charge memorandum and after obtaining an explanation from the petitioner, when oral enquiry is conducted, the parties shall be afforded an opportunity to cross-examine the witnesses relied upon by them. The manner in which such cross-examination is to be conducted would depend upon the facts and circumstances of each case. At this juncture, this Court would like to point out that even in cases involving heinous offences under the POCSO Act against minor victims,

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cross-examination is permitted before the trial Courts, however with all precaution to protect the victim from revictimization. Therefore, the petitioner shall be afforded an opportunity to cross-examine the witnesses, either directly or through any other appropriate mode considered suitable by the disciplinary authority, so as to ensure compliance with the principles of natural justice and a fair procedure.

28. In the result, the Writ Petition in W.P.No.17301 of 2020 is disposed of with the above directions. Consequently, the connected Miscellaneous Petitions are closed. No costs.

29. In view of the aforesaid order permitting the respondents to proceed with the disciplinary proceedings, the question of considering the petitioner's representation at this stage does not arise. Hence, the Writ Petition in W.P.No.29937 of 2023 is dismissed. However, the petitioner is given the liberty to submit a fresh representation, subject to the outcome of the disciplinary proceedings. Consequently, the connected Miscellaneous Petitions are closed. No costs.

27-10-2026

Index: Yes
Speaking order
Neutral Citation: Yes

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To

1. The Chairman,
   Board of Governors,
   Indian Institute of Technology Madras,
   Chennai.

2. The Director,
   Indian Institute of Technology Madras,
   Chennai.

3. The Chair Person,
   Complaints Committee against Sexual Harassment (CCASH), Indian Institute of Technology Madras, Chennai.

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   Indian Institute of Technology Madras,
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C.KUMARAPPAN J.

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Pre-Delivery order in
WP No.17301 of 2020 and
W.P.No. 29937 of 2023

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