



2026:DHC:2793



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4132/2026 and CM APPL. 20151/2026**

Date of decision: **30.03.2026****IN THE MATTER OF:**

DR SUDESH SINGH

.....Petitioner

(Through: Ms Mrinmoi Chatterjee, Ms Kirti Lal, Advocates.)

Versus

SHRI LAL BAHADUR SHASTRI NATIONAL SANSKRIT
UNIVERSITY AND ORS.

.....Respondents

*(Through: Mr. Nishant Gautam, CGSC, Mr. Rahul Kumar Sharma
Govt Pleader Mr. Vibhav V. Nath Ms. Kavya Shukla, Mr. Vineet Negi,
Ms. Theresa, Advocates.)***CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)****CM APPL. 20152-20153/2026 (for exemption)**

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 4132/2026 and CM APPL. 20151/2026

1. The instant petition is for the following reliefs:-

“a) Issue an appropriate writ, order or direction, especially in the nature

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of certiorari or any other appropriate writ, quashing the Report dated 13.01.2025 submitted by the Internal Complaint Committee (ICC).

b) Issue an appropriate writ, order or direction, especially in the nature of certiorari or any other appropriate writ, quashing the Order dated 26.08.2025 passed by the Respondents.

c) Issue an appropriate writ, order or direction, especially in the nature of certiorari or any other appropriate writ, directing the Respondent No. 1 to reinstate the Petitioner in service.

d) Issue an appropriate writ, order or direction, especially in the nature of Certiorari allowing the Petitioner to seek employment under the Government (Respondent No. 3) during the pendency of the present Petition;

e) Direct the Respondent No. 2 and 3 to consider and allow employment opportunities to the Petitioner;

f) Direct the Respondent No. 1 to reconstitute a lawfully composed internal complaint committee/inquiring authority and conduct a fresh inquiry, if deemed necessary, after providing the Petitioner with due notice, access to evidence and a fair hearing in the interest of justice and equity, and;

g) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. The facts of the case, as stated by the petitioner, would indicate that the petitioner was appointed as an Assistant Professor (Dharmashastra) at the Lal Bahadur Shastri National Sanskrit University w.e.f. 23.08.2023. On 29.08.2024, the petitioner seems to have been gravely assaulted within the University premises. The incident was captured through a CCTV footage and a criminal complaint was also lodged by the petitioner. The accused persons are stated to have physically assaulted the petitioner since he had allegedly failed certain students including two of the complainants in their exams. As retaliation, to avoid criminal proceedings, and to arm-twist the petitioner, four students of the University are stated to have filed a false and motivated complaint against the petitioner on 30.08.2024 alleging sexual harassment.

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3. The petitioner submits that the entire inquiry conducted by the Internal Complaints Committee ('ICC') is arbitrary, erroneous and liable to be set aside being contrary to law and procedure, in as much as, the petitioner was not supplied with the complete and authenticated copies of documents, statements or material relied upon by the complainants.

4. He also submits that he was denied the opportunity to cross-examine the complainants and moreover no independent witnesses were examined. Therefore, it is his argument, that the principles of natural justice and fair hearing were not followed. It is contended that based on incomplete evidence and unsubstantiated claims, the ICC on 13.01.2025 concluded that the allegations stand proven. Thereafter, The Executive Council, mechanically accepted the ICC Report dated 13.01.2025 and imposed the extreme penalty of dismissal from service vide order dated 26.08.2025 and further barred the petitioner from any future government employment. The petitioner further submits that the impugned orders have gravely prejudiced the petitioner's academic career, reputation and social standing. Therefore, he has approached this Court.

5. Section 18 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**PoSH Act**") provides for an appeal against the impugned decision and it reads as under:

"Section 18. Appeal

(1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or subsection (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of

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the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

(2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.”

6. The petitioner apprehends that the appeal as per the applicable service rules would be to the University, and specifically to the Vice Chancellor, itself, therefore, the same may not be a proper or efficacious remedy. There is nothing on record which would allow this Court to conclude that the appeal provided for in the Act would not be efficacious. It be noted that the appeal mechanism, in the instant case, has been provided by the legislature under a specialised statute. In a related context this Court in ***Vineet Saraf v. Rural Electrification Corpn. Ltd.***,¹ has held as under:

“73. Indeed, there are sound reasons for not entertaining a petition before a writ court, where the relief being prayed for can be sought from a statutorily established forum. If the writ courts routinely grant reliefs—which could have been sought from an alternate forum established by way a statute—the court, in effect, obviates the will of Parliament. It would be a disservice to the Legislature and to the laws passed by it, to not give the requisite regard to its intention of dealing with a category of disputes through a specific procedure and specialised forums.”

7. Having considered the overall facts and circumstances of the case, the Court finds it appropriate to relegate the petitioner to exhaust the appellate remedy available with it. The petitioner shall be at liberty to file an appeal before the competent/ concerned authority.

8. If the petitioner does so, let the same be decided strictly on merits after affording opportunity of hearing to all parties.

¹ (2024) 252 Comp Cas 449 : (2023) 175 CLA 303.



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9. With the aforesaid observations and liberty, the instant petition stands disposed of. All rights and contentions of the parties are left open.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 30, 2026

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