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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 17754/2025**

**MS X**

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Mani Kant  
Ms. Shikha Singh Mr. Rohit Rana,  
Advs.

versus

**INDIAN INSTITUTE OF TECHNOLOGY DELHI THROUGH ITS  
DIRECTOR**

.....Respondent

Through: Mr. T. Singhdev, Mr. Abhijit  
Chakravarty, Ms. Yamini Singh, Mr.  
Tanishq Shrivastava, Mr. Bhanu  
Gulati, Mr. Sourabh Kumar, Ms.  
Ramanpreet Kaur, Mr. Vedant Sood,  
Advs.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

**ORDER**

% **08.01.2026**

1. During the course of hearing, it transpires that against the report of the Internal Complaint Committee (ICC) under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (*hereinafter the 'POSH Act'*) dated 04.10.2023, modified on 25.01.2024, the petitioner had inadvertently approached the Industrial Tribunal under the POSH Act. The said appeal was withdrawn with liberty to pursue other remedies in accordance with law.

2. Thereafter, the petitioner has filed the instant petition for the



following reliefs:

*“(i) Issue writ of mandamus directing the Respondent to disposed of the appeal dated 13.11.2024, filed by the Petitioner preferably within two weeks.*

*(ii) Pass any other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the petitioner.”*

3. During the course of the hearing, Mr. T Singhdev, learned counsel for the respondent points out that appeal, if any, will have to be filed under Section 18 of the POSH Act, and the petitioner in the instant case seeks disposal of the appeal by the Disciplinary Authority i.e. the Director of the respondent, which, according to him, is not possible.

4. On the other hand, Mr. Rahul Sharma, learned counsel for the petitioner, then points out IIT DELHI Rules and Procedures for the Prevention, Prohibition and Punishment of Sexual Harassment of Women at the Workplace, 2014, dated 9-10.06.2014 (*hereafter 'the IIT Rules'*). He has taken the Court through the scheme of the rules, alluding to the definitions etc. and draws the attention of the Court to Rule 11.

5. According to Mr. Sharma, on completion of the enquiry at the level of ICC, the findings, thereof, will have to be placed before the Director, IIT Delhi, within a period of 10 days from the date of completion of the enquiry, along with a copy to the parties. If the Director is not the concerned disciplinary authority, the Director shall place the report before the Chairman, Board of Governors, for appropriate action. In cases where the Director is the disciplinary authority and a recommendation is made by the ICC that an allegation has been found to be proved, the Director will have to take the issue to its logical end.

6. Thereafter, Mr. Sharma draws the attention of the Court to Rule 12,



where, the right to file an appeal accrues in favour of the aggrieved person. It, however, can only happen when the director bestows his consideration. According to him, that stage has not yet reached. Rule 11 and 12 of the said rules are extracted as under:

***“11. Report of the Internal Complaints Committee:-***

- a) On the completion of the enquiry an Internal Complaints Committee shall provide a report of its findings to the Director, IIT Delhi within a period of ten days from the date of completion of the inquiry along with a copy to the parties. Where the Director is not the disciplinary authority, the Director shall place the report before the Chairman, Board of Governors, for appropriate action.*
- b) Where the Internal Complaints Committee arrives at a conclusion that the allegation has not been proved, it shall recommend to the Director, IIT Delhi that no action is required to be taken in the matter.*
- c) Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the Director, IIT Delhi to take action for sexual harassment as a misconduct.*
- d) The Internal Complaints Committee may also recommend to deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the complainant or her legal heirs in accordance with the Section 15 of the Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act 2013.*
- e) Subject to consideration of a representation, if any, against a proposed penalty, the disciplinary authority shall take disciplinary action within two months of receipt of the Report from the Internal Complaints Committee. It is clarified that the report of the Internal Complaints Committee shall be treated as the inquiry report, on the basis of which penalty can be proposed/imposed against the defendant.*

***12. APPEAL:***

- i) The complainant and the defendant shall have the right to appeal if they are dissatisfied with the decision of the disciplinary authority as per the provisions contained in CCS(CCA) Rules or any other rules of the Institute.”*

7. In the instant case, what Mr. Sharma essentially points out is that the allegation of sexual harassment has not been found to be proved, and even in such cases, the report will have to be placed before the Director, and the Director will have to take a further decision.



8. In view of the aforesaid, there does not seem to be any material to infer that the report of the ICC has ever been placed before the Director, or the Director has taken any decision.

9. Accordingly, the petition deserves to be disposed of with the following directions.

- (i) Let the report of ICC dated 04.10.2023 and 25.01.2024 along with the representations of the petitioner, be placed before the Director within a period of 15 days from the receipt of a copy of this order.
- (ii) Thereafter, the Director shall pass a reasoned order within a period of four weeks and take appropriate action with due intimation to the petitioner.
- (iii) Thereafter, the petitioner shall be at liberty to take further steps, in accordance with law, if her grievance subsists.

**PURUSHAINDR KUMAR KAURAV, J**

**JANUARY 8, 2026**

aks/mj