

WP(MD)No.28562 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.28562 of 2025 &
WMP (MD).No.22140 of 2025

Dr.S.Ganesan

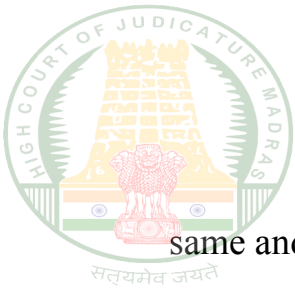
... Petitioner

/vs./

- 1.Bharathidasan University,
Rep., by its Chairman,
Syndicate Committee,
Trichy – 620 024.
- 2.Bharathidasan University,
Rep., by its Registrar,
Bharathidasan University,
Trichy – 620 024.
- 3.The Internal Complaints Committee,
Rep., by its Chairperson,
Anti-Sexual Harassment Cell,
Bharathidasan University,
Trichy – 620 024.
- 4.L.Subiksha Christy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the impugned proceedings of the 3rd respondent dated 06.12.2024 and consequential impugned minutes of the respondents 1 & 2 in Minutes No.2025.37, dated 22.09.2025 and quash the



WP(MD)No.28562 of 2025

same and pass such other order.

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For Petitioner : Mr.S.Meenakshi Sundaram Sr., Counsel for
Mr.V.Karthikeyan

For Respondents : Mr.V.R.Shanmuganathan

ORDER

This Writ Petition had been filed to quash the impugned proceedings of the 3rd respondent dated 06.12.2024 and consequential impugned minutes of the respondents 1 & 2 in Minutes No.2025.37, dated 22.09.2025.

2. Mr.S.Meenakshi Sundaram, learned counsel for the petitioner would submit that the petitioner had originally joined as a Lecturer in the Economics Department and thereafter promoted as an Associate Professor on 13.06.2020. The second respondent had nominated the petitioner to be the Head of the Department due to the death of an incumbent of the Head of the Department in an accident on 01.12.2024.

3. While that being so, the fourth respondent herein had given a complaint against the petitioner stating that the he had inappropriately behaved with her. On 06.12.2024, a notice was issued by the third respondent for his appearance on 10.12.2024 on which date he had denied the allegations levelled against him. An



WP(MD)No.28562 of 2025

enquiry was purportedly conducted, without giving an opportunity to the petitioner. On 20.12.2024, the petitioner was transferred from the Department of Economics to Department of Commerce and Financial Studies. Without furnishing of any enquiry report, an order of compulsory retirement has been made against the petitioner. He would submit that the entire process of the procedure followed by the Internal Complaints Committee by the third respondent are in violation of the POSH Act and the order of removal without notice to the petitioner is in violation of the basic principles of natural justice and therefore, seeks indulgence of this Court.

4. Mr.V.R.Shanmuganathan, learned counsel appearing on behalf of the second respondent on the other hand would submit that a complaint had been received against the petitioner for inappropriately behaving with the fourth respondent and the said complaint had been referred to the third respondent and after enquiring the witnesses, it was found that the petitioner had been involving himself in inappropriate behaviour with the complainant. He would further submit that the conduct of the petitioner also reflects in view of the lesser marks granted to the petitioner to the complainant, who is the fourth respondent. Therefore, he would submit that having been found that the petitioner had been involved in inappropriate behaviour with the complainant/ fourth respondent, the petitioner



WP(MD)No.28562 of 2025

cannot be said to be prejudiced in the report of the third respondent or the order passed in imposing a punishment of compulsory retirement. Therefore, he prays this Court to dismiss the present Writ Petition.

5. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

6. Admittedly, the complaint has been made against the petitioner on 29.11.2024 for which a reply statement had been given by the petitioner on 10.12.2024. From the typed set of papers filed by the second respondent/ University, it could be seen that the statements of the students have been recorded by the third respondent, which are all in the nature of a letter addressed to the third respondent. The minutes of the third respondent placed on record, would also indicate that the complainant and other witnesses have been enquired and the said Report does not indicate that the petitioner had been given an opportunity to cross-examine the said witnesses.

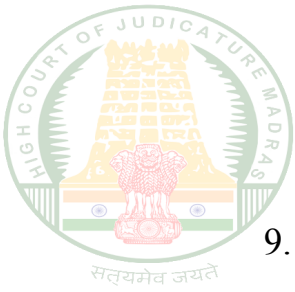
7. It is further to be noted that the said recommendations had been made by the third respondent on 16.12.2024. From the sequences of the incidents narrated as above, it could be seen that the complaint was made on 29.11.2024, notice of



WP(MD)No.28562 of 2025

hearing was given to the petitioner on 06.12.2024, statements were recorded on 10.12.2024 and a Report had been submitted on 16.12.2024, as many as six witnesses has been presented in support of the complainant and none of the witness were allowed to be cross-examined by the petitioner.

8. In such view of the matters, this Court is of the view that the procedure of enquiry followed by the third respondent is in complete violation of Section 11 r/w Rule 7 of the POSH Act. No opportunity had been given to the petitioner to cross-examine the witnesses including the complainant. That apart, syndicate of the second respondent, by its Resolution in the 256th Meeting had resolved to impose a punishment of compulsory retirement. Such Resolution had been made without even furnishing the Report as required under Section 13 of the POSH Act and also without giving any second show cause notice to the petitioner. The Resolution has been given effect to by the second respondent on 10.10.2025. The procedure is also in violation of Section 13 of the POSH Act and the disciplinary proceedings had been initiated based upon the Report of the third respondent and therefore, this Court is of the view that the entire procedure that had been followed in the case of the petitioner is in complete violation of the procedure prescribed under the POSH Act and the Rules framed therein.

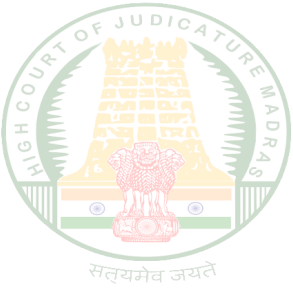


WP(MD)No.28562 of 2025

9. In view of the same, the Writ Petition is allowed and the impugned order and consequential impugned minutes in the Writ Petition are set aside. There shall be a direction to the third respondent to conduct an enquiry in consonance with Section 11 r/w Rule 7 of the POSH Act by giving necessary opportunity to the petitioner to present his case and also cross-examine the complainant and the other witnesses presented against the petitioner and thereafter, furnish the finding to the petitioner as provided under Section 11 and submit its Report under Section 13 to the employer namely the second respondent who shall thereafter issue second show cause notice to the petitioner, by calling for further explanation and decide the matter on merits and in accordance with law. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

13.10.2025

Index : Yes / No
Internet : Yes / No
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WP(MD)No.28562 of 2025

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K.KUMARESH BABU, J.

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