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Departmental Proceedings Cannot Override POSH Procedure, MP High Court

AUTHOR Tannya Baranwal, Ritika Dedhia

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In a significant ruling strengthening the procedural safeguards under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act"), the High Court of Madhya Pradesh in *Dr. Sajan Kurien Mathew v. State of Madhya Pradesh & Ors.*[1], has held that allegations of workplace sexual harassment can only be inquired into by the Internal Complaints Committee ("ICC") or Local Complaints Committee ("LCC") constituted under the statutory framework, and not through any parallel departmental inquiry mechanism.

The judgment assumes considerable importance for employers, universities, government departments, and disciplinary authorities across India, as it reiterates that the POSH framework is mandatory in nature, not merely procedural. The Court emphasized that once allegations fall within the ambit of "sexual harassment" under the POSH Act, the disciplinary authority loses the discretion to appoint an independent Inquiry Officer outside the statutory mechanism prescribed under the Act and corresponding service rules.

The decision also provides an important exposition on the relationship between the POSH Act, service jurisprudence, and the UGC Regulations governing higher educational institutions. By quashing the termination order passed against the petitioner on the basis of an inquiry conducted by a retired judicial officer instead of the ICC, the Court reinforced the legislative intent behind creating a specialized, confidential, and gender-sensitive inquiry mechanism for handling workplace sexual harassment complaints.

The ruling is therefore a notable reaffirmation of the principles laid down in Vishaka Guidelines and the statutory mandate under the POSH Act, particularly in ensuring that employers do not dilute or bypass the institutional safeguards envisaged under the law.

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Background of the Case

The writ petition arose from disciplinary proceedings initiated against the petitioner, an Assistant Professor serving in a University in Madhya Pradesh since 2012. In March 2025, certain students lodged complaints alleging acts of sexual harassment against him. Pursuant to these allegations, the University constituted a Students' Grievance Redressal Committee ("SGRC") under the University Grants Commission (Redressal of Grievances of Students) Regulations, 2023.

Parallelly, a criminal complaint was also registered, resulting in the lodging of an FIR against the petitioner under various provisions of the Bharatiya Nyaya Sanhita ("BNS"). During the SGRC proceedings, statements of the complainants were recorded; however, the Committee observed that no documentary evidence had been produced in support of the allegations. The petitioner also did not participate in the proceedings before the SGRC. The Committee concluded that since the matter was already under police investigation, no further action was required at its end.

Subsequently, the petitioner was transferred to the Directorate of Culture, Bhopal, by an order dated 15.04.2025. Upon his failure to comply with the transfer order, he was placed under suspension and later served with a charge-sheet alleging misconduct, including acts constituting sexual harassment under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and violations of the Madhya Pradesh Civil Services Conduct Rules, 1965.

Instead of referring the complaint to an Internal Complaints Committee ("ICC") constituted under the POSH framework, the Vice-Chancellor appointed a retired Principal District Judge as the Inquiry Officer to conduct a departmental inquiry. The Inquiry Officer submitted his report in November 2025, following which a show-cause notice was issued to the petitioner. Thereafter, by order dated 31.12.2025, the petitioner's services were terminated on the basis of the findings recorded in the departmental

inquiry.

Aggrieved by the termination order, the petitioner approached the High Court of Madhya Pradesh under Article 226 of the Constitution of India, contending that the entire inquiry was conducted without jurisdiction as the allegations of sexual harassment could only have been examined by the ICC/LCC constituted under the POSH Act and the applicable service rules.

Core Legal Issue

The principal issue before the Court was whether, in cases involving allegations of sexual harassment at the workplace, the disciplinary authority could appoint an independent Inquiry Officer outside the framework of the ICC/LCC contemplated under the POSH Act and Rule 14(2) of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 ("CCA Rules").

The petitioner argued that once allegations amount to sexual harassment within the meaning of the POSH Act, the ICC itself becomes the statutory inquiry authority, and any parallel inquiry conducted by an independently appointed Inquiry Officer is without jurisdiction.

Reliance on Vishaka and Evolution of the POSH Framework

The High Court of Madhya Pradesh relied extensively on the landmark decision in Vishaka Guidelines to explain the constitutional and statutory framework governing workplace sexual harassment. The Court observed that in *Vishaka v. State of Rajasthan*[2], the Supreme Court recognized protection against workplace sexual harassment as part of the fundamental rights guaranteed under Articles 14, 15, 19(1)(g), and 21 of the Constitution.

To address the legislative vacuum existing at that time, the Supreme Court had directed employers to establish specialized Complaints Committees for handling such allegations in a fair, confidential, and gender-sensitive manner. These principles later formed the foundation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act").

The High Court further referred to *Medha Kotwal Lele v. Union of India*[3], wherein the Supreme Court clarified that Complaints Committees would function as inquiry authorities under service rules. Pursuant to these directions, corresponding amendments were made to the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966, recognizing the ICC as the designated inquiry authority in sexual harassment cases.

The Court ultimately held that the POSH framework constitutes a mandatory statutory mechanism and that employers cannot bypass the ICC/LCC by appointing parallel inquiry authorities.

Interpretation of Rule 14(2) of the CCA Rules

A crucial aspect of the judgment is the interpretation of the proviso to Rule 14(2) of the Madhya Pradesh CCA Rules. The proviso expressly states that where there is a complaint of sexual harassment, the Complaints Committee established for such purpose "shall be deemed to be the inquiring authority appointed by the disciplinary authority."

The Court held that the language of the provision is unequivocal and effectively removes the disciplinary authority's power to appoint any separate Inquiry Officer in cases involving sexual harassment allegations.

According to the Court:

- Complaints relating to sexual harassment must necessarily be referred to the ICC/LCC;
- The ICC/LCC must conduct the inquiry by following the procedure under the service rules;
- The disciplinary authority thereafter acts upon the report submitted by the ICC/LCC.

The Court therefore concluded that the disciplinary authority was "denuded" of power to appoint an independent Inquiry Officer once the allegations fell within the ambit of sexual harassment under the POSH framework.

Significance of Confidentiality and the Specialized POSH Mechanism

A notable aspect of the judgment is the emphasis placed by the High Court of Madhya Pradesh on the importance of confidentiality and the need for a specialized inquiry mechanism in cases involving workplace sexual harassment. The Court observed that the POSH Act creates a carefully structured framework designed to address the sensitive nature of such complaints while balancing the rights of both the complainant and the accused employee.

The Court highlighted that the statutory requirement of constituting an Internal Complaints Committee ("ICC") or Local Complaints Committee ("LCC") is intended to ensure that inquiries are conducted by bodies equipped with gender sensitivity, procedural safeguards, and independence from institutional pressures. The inclusion of women members and external representatives familiar with issues of sexual harassment was viewed as a deliberate safeguard against bias and undue influence.

Importantly, the Court warned that permitting employers to appoint parallel inquiry authorities outside the POSH framework would undermine the very object of the legislation. Such parallel mechanisms could compromise confidentiality, dilute procedural protections, and expose the inquiry process to external influence or administrative pressure.

The judgment therefore reinforces that the POSH mechanism is not merely procedural in nature but is a specialized statutory safeguard intended to ensure fairness, privacy, and institutional accountability in the handling of workplace sexual harassment complaints.

Distinction Between SGRC and ICC

An important contribution of the judgment lies in distinguishing the role of the Students' Grievance Redressal Committee ("SGRC") from the ICC constituted under the UGC Regulations, 2015.

The Court clarified that the UGC (Redressal of Grievances of Students) Regulations, 2023 deal generally with student grievances and do not specifically govern complaints of sexual harassment. Instead, such complaints in higher educational institutions are governed by the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015, which independently mandate constitution of ICCs.

Thus, Universities are obligated to ensure that complaints of sexual harassment are processed exclusively through ICCs constituted under the POSH Act and UGC Regulations.

Court's Final Findings

The High Court ultimately held that the entire disciplinary process undertaken by the University was contrary to the POSH Act, UGC Regulations, and Rule 14(2) of the CCA Rules. Since the inquiry itself was conducted without jurisdiction, the availability of an alternate appellate remedy was held not to bar the writ petition.

Accordingly, the Court:

- quashed the termination order dated 31.12.2025;
- directed the University to forward the complaint to the ICC/LCC;
- ordered that the complaint be dealt with strictly in accordance with the POSH Act;
- directed reinstatement of the petitioner pending such proceedings.

Conclusion

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The decision of the High Court of Madhya Pradesh in *Dr. Sajan Kurien Mathew v. State of Madhya Pradesh & Ors.* is a significant reaffirmation of the mandatory framework established under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. By holding that inquiries into allegations of workplace sexual harassment must be conducted exclusively through the Internal Complaints Committee ("ICC") or Local Complaints Committee ("LCC"), the Court has reinforced the legislative intent behind creating a specialized, confidential, and gender-sensitive redressal mechanism.

The judgment makes it clear that employers and institutions cannot bypass the statutory safeguards under the POSH Act by constituting parallel departmental inquiry mechanisms or appointing independent Inquiry Officers outside the prescribed framework. Such actions, the Court observed, would defeat the object of the legislation and undermine the procedural protections envisaged for both complainants and respondents.

The ruling is particularly important for universities, public authorities, and employers governed by service rules, as it clarifies the legal position that the ICC functions as the designated inquiry authority in cases involving sexual harassment allegations. The decision therefore strengthens institutional accountability and ensures stricter compliance with the constitutional principles laid

down in Vishaka Guidelines and the statutory mandate under the POSH Act.

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1. W.P. No. 1662 of 2026 ?
2. (1997) 6 SCC 241 ?
3. (2013) 1 SCC 311 ?

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