

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
WRIT PETITION NO: 1287 OF 2025

Between:

XXXX

Petitioner

AND

1. The State of Telangana, Rep by its Principal Secretary, Women and Child Development Department, Secretariat, Hyderabad
2. University Grants Commission, Rep. by its Secretary, Bahadur Shah Zafar Marg, New Delhi - 110002.
3. Birla Institute of Technology and Science, Pilani, (Deemed to be University), Rep. by its Vice Chancellor, Pilani Campus, Vidya Vihar, Pilani - 333031, Rajasthan
4. The Vice Chancellor, Birla Institute of Technology and Science, Pilani, Pilani Campus, Vidya Vihar, Pilani - 333031, Rajasthan.
5. The Registrar, Birla Institute of Technology and Science, Pilani, Pilani Campus, Vidya Vihar, Pilani - 333031, Rajasthan.
6. The Director, Birla Institute of Technology and Science, Pilani, Hyderabad Campus, Jawahar Nagar, Kapra Mandal, Medchal-Malkajgiri District - 500078.
7. The Internal Complaints Committee, Rep. by its Presiding Officer, Birla Institute of Technology and Science, Pilani, Hyderabad Campus, Jawahar Nagar, Kapra Mandal, Medchal-Malkajgiri District - 500078.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Certiorarified Mandamus,

i. call for records of letter dated 12-11-2024 issued by respondent No.7 committee along with Recommendations of respondent No.7 committee dated 10-11-2024, recommending rustication of the petitioner, before this Hon'ble Court and declare them as illegal, arbitrary and unconstitutional and against The UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 and Articles 14, 19(1) (g) and 21 of Constitution of India.

ii. set-aside letter dated 12-11-2024 issued by respondent No.7 committee along with Recommendations of respondent No.7 committee dated 10-11-2024, recommending rustication of the petitioner

iii. direct the respondent No.3 to 7 to forthwith set-aside all pending proceedings against the petitioner in pursuance of the recommendation letter dated 10-11-2024 issued by the respondent No.7.

iv. direct the respondents No.3 to 7 to allow the petitioner into the BITS, Pilani, Hyderabad campus for continuing her course into B.Tech., CSE, at the said campus.

v. direct the respondents No.3 to 7 to forthwith handover all the seized electronic devices to the petitioner.

vi. direct the respondent No.1 and 2 to frame unified guidelines for the enforcement of The UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 within the State of Telangana.

vii. direct the respondent No.2 to take stringent action against the respondent No.3 to 7 for violating the mandatory regulations of the UGC more particularly The UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 and University Grants Commission Institute of Eminence (Deemed to be Universities) Regulations, 2017.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents No.3 to 7 to forthwith permit the petitioner to attend her regular course of study at the BITS, Pilani, Hyderabad campus, by getting herself registered for 4th semester of B.Tech., CSE, pending disposal of the writ petition and to pass, Pending disposal of WP 1287 of 2025, on the file of the High Court.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay all further proceedings in furtherance of the letter dated 12-11-2024 issued by respondent No.7 committee along with Recommendations of respondent No.7 committee dated 10-11-2024, recommending rustication of the petitioner, pending disposal of WP 1287 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI YEMMIGANUR SOMA SRINATH REDDY Advocate for the Petitioner, GP FOR WOMEN DEV CHILD WELFARE for the Respondent No.1, SRI M.P. KASHYAP, Standing Counsel for respondent No.2 and SRI M. RADHA KRISHNA MURTHY, Standing Counsel for respondent Nos. 3 to 7, the Court made the following.

ORDER

Heard Mr. Y. Soma Srinath Reddy, learned counsel for the petitioner, and Mr. M. Radha Krishna Murthy, learned standing counsel for respondent Nos.3 to 7.

Learned counsel for the petitioner submitted that impugned letter dated 12.11.2024 issued by respondent No.7 - committee and their recommendations dated 10.11.2024 are in violation of the University Grants Commission

(Prevention , Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 (for short 'UGC Regulations 2015'), University Grants Commission (Institutions of Eminence Deemed to be Universities) Regulations, 2017 (for short 'UGC Regulations 2017') and the Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act 2013 (for short 'POSH Act'). Petitioner was not furnished with a copy of complaint as mandated under Regulation 7 and 8 of the UGC Regulations 2015. Petitioner was called to join the meeting by the Chairman of Internal Complaints Committee (for short 'ICC') on 09.11.2024. The Chairman of ICC was present along with another person; an external person joined them subsequently. Petitioner was asked to give statement on the said date. She allegedly admitted about the incident of 2023, wherein a female student was beaten by Mr. Satyaram. Petitioner did not admit the alleged incident of August 2024. Petitioner was not given opportunity to defend her case. Thus, there is violation of principles of natural justice and impugned proceedings are liable to be suspended.

Learned standing counsel for respondent Nos.3 to 7 submitted that petitioner has exhausted her appeal remedy. There is a remedy of appeal under Section 18 of the POSH Act as well as Regulation 8 (5) of the UGC Regulations 2015. Petitioner has already filed appeal before the Executive Authority in terms of Regulation 8 (5) of the UGC Regulations 2015. Assuming that University is amenable to writ jurisdiction, there is no element of public function involved in this case. Thus, writ petition is not maintainable. There is no violation of statutory or fundamental right as enquiry is conducted in accordance with the provisions of POSH Act, UGC Regulations 2015. There are 6000 students in the campus and enquiry was conducted by 6 members of ICC and out of six members there is an external member and four (4) student members, and no malafides can be attributed to them.

It is submitted that petitioner admitted her guilt during the enquiry, thus no lapses were committed by ICC with regard to non-furnishing of copy of complaint. The Regulation 8 of UGC Regulations 2015 would be immaterial as no prejudice is caused to the petitioner. During the enquiry, petitioner did not raise any objection with regard to the non-service of complaint or documents. The enquiry was conducted exhaustively. If interim order is granted, it will send a wrong signal and environment in the campus will be polluted as petitioner has indulged in indiscipline and her conduct is objectionable. The impugned order does not suffer from any infirmities.

It may be noted that impugned letter was issued based on the recommendations made by ICC is to rusticate the petitioner and remove her from the rolls of the institute.

No doubt, serious allegations are made against the petitioner. However, learned standing counsel for respondent Nos.3 to 7 did not dispute the fact that copy of complaint and documents available with ICC have not been furnished to the petitioner.

The punishments enumerated in Regulation 10 of the UGC Regulations 2015 is as under:

- (a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
- (b) suspend or restrict entry into the campus for a specific period;
- (c) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrant;
- (d) award reformatory punishments like mandatory counselling and, or, performance of community services.

The consequence of imposing punishment is serious and it will have bearing on the future of the student as the provisions of UGC Regulations are penal in nature. Thus, there cannot be any doubt that all the provisions are mandatory.

The contention of learned standing counsel that petitioner did not seek for a copy of complaint and documents and she has admitted the guilt is of no consequence as there cannot be any estoppel against the statute. As per Regulation 8 (1), the ICC should have furnished a copy of complaint to the petitioner within a period of seven (7) days of such receipt. Further, as per Regulation 8(2), petitioner has ten (10) days time to submit reply to the complaint.

According to learned counsel for the petitioner, petitioner was directed to come to the Administrative Office of respondent No.3 - University and she was asked some questions and allegedly she confessed. However, the same cannot be a ground to give a go by to the mandatory provisions under Regulation 8 of the UGC Regulations 2015.

Further, the point urged by the learned counsel for the petitioner is that the confession allegedly made by the petitioner is regarding the complaint made in the year 2023, whereas, Regulation 7 of the UGC Regulation 2015 says that the aggrieved person has to lodge complaint within three (3) months from the date of such incident, as such, the impugned proceedings are initiated on a time barred complaint.

In the above circumstances, this Court is of the opinion that there are lapses on the part of ICC in following the procedure mandated under the provisions of UGC Regulations 2015 and POSH Act.

Hence, there shall be interim suspension of the letter dated 12.11.2024 issued by respondent No.7 Committee and recommendations dated 10.11.2024 of respondent No.7 of respondent No.3 institution until further orders.

However, considering that petitioner is facing serious allegations and interest of several students would be in jeopardy, respondent No.3 institution is at liberty to impose reasonable restrictions, so as to ensure that petitioner does not repeat any such alleged objectionable conduct and indiscipline in future. Petitioner is further directed not to reveal the incident pertaining to ICC

enquiry in person or through text messages to anyone. Petitioner shall ensure that her father shall delete all the e-mails, text and Whatsapp messages addressed to the institution.

The Registry is directed to comply with the judgment of the Hon'ble Supreme Court in Nipun Saxena and Anr. v. Union of India and Ors. [2019 (2) SCC 703] and not disclose the identity of the petitioner in any of the records, including the writ affidavit, interim order and final order copies.

List the matter on 25.06.2025.

SD/-A.SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Women and Child Development Department, Secretariat, Hyderabad
2. The Secretary, University Grants Commission, Bahadur Shah Zafar Marg, New Delhi - 110002.
3. The Vice Chancellor, Birla Institute of Technology and Science, Pilani, (Deemed to be University), Pilani Campus, Vidya Vihar, Pilani - 333031, Rajasthan
4. The Vice Chancellor, Birla Institute of Technology and Science, Pilani, Pilani Campus, Vidya Vihar, Pilani - 333031, Rajasthan.
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6. The Director, Birla Institute of Technology and Science, Pilani, Hyderabad Campus, Jawahar Nagar, Kapra Mandal, Medchal-Malkajgiri District - 500078.
7. The Presiding Officer, Internal Complaints Committee, Birla Institute of Technology and Science, Pilani, Hyderabad Campus, Jawahar Nagar, Kapra Mandal, Medchal-Malkajgiri District - 500078. (RR 1 to 7 by RPAD)
8. The Registrar(Judicial-I), High Court for the State of Telangana at Hyderabad
9. The Registrar (IT), High Court for the State of Telangana at Hyderabad
10. The Section Officer, Writ Filing (Non-service), High Court at Hyderabad
11. One CC to SRI. YEMMIGANUR SOMA SRINATH REDDY Advocate [OPUC]
12. Two CCs to GP FOR WOMEN DEV & CHILD WELFARE ,High Court at Hyderabad. [OUT]
13. One spare copy

HIGH COURT

BVRJ

DATED:01/05/2025

LIST ON 25.06.2025

ORDER

WP.No.1287 of 2025

SUSPENSION

