

APHC010112832026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

TUESDAY, THE 18th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 6040/2026

Between:

1.ARPITA SINGH, D/O. SANJIT KUMAR, STUDENT PGP-1, ROLL NO 2510014, INDIAN INSTITUTE OF MANAGEMENT, GAMBHIRAM VILLAGE, ANANDAPURAM MANDAL, VISAKHAPATNAM - 531 163, ANDHRA PRADESH.

...PETITIONER

AND

1.THE UNION OF INDIA, REP BY ITS SECRETARY, MINISTRY OF EDUCATION 122-C, SHASTRI BHAWAN, NEW DELHI - 110001.

2.THE INDIAN INSTITUTE OF MANAGEMENT, REP BY ITS DIRECTOR, GAMBHIRAM VILLAGE, ANANDAPURAM MANDAL, VISAKHAPATNAM - 531163, AP.

3.THE DEAN ADMINISTRATION AND, CHAIR (STUDENT MATTERS FACILITATION COMMITTEE), INDIAN INSTITUTE OF MANAGEMENT, GAMBHIRAM VILLAGE, ANANDAPURAM MANDAL, VISAKHAPATNAM - 531163, AP.

4.THE CHAIR, INTERNAL COMMITTEE, INDIAN INSTITUTE OF MANAGEMENT, GAMBHIRAM VILLAGE, ANANDAPURAM MANDAL, VISAKHAPATNAM - 531163, ANDHRA PRADESH.

5.MS V S SHARADA, ROLL NO. 2520010, PHD SCHOLAR, INDIAN INSTITUTE OF MANAGEMENT, GAMBHIRAM VILLAGE, ANANDAPURAM MANDAL, VISAKHAPATNAM 531163. R5

IMPLEADED AS PER COURTS ORDER DT. 20.04.2026 IN I.A.NO.3 OF 2026.

...RESPONDENT(S):

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 a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent No.3 in initiating the proceedings under POSH Act 2013 without following due process of law, there by issuing the impugned Orders Dated 17/02/2026 vide Proceedings No.IIMV/ICC/Admn/2026/01, as illegal, arbitrary, violation of principles of natural justice and in violation of Articles 14, 21 and 300-A of the Constitution of India and to Set-a-side the same by Consequently directing the Respondents to permit the Petitioner to have access to University Hostel, attend the classes physically, all acadamic activities including placements and other activities equally on par with other students, in the interest of justice and to pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to permit the Petitioner to have access to University Hostel attend the classes physically, all acadamic activities including placements and other activities equally on par with other students; pending disposal of the above Writ Petition, and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the impugned Orders Dated 17/02/2026 vide Proceedings No. IIMV/ICC/ Admn/2026/01 issued by the 3rd Respondent; pending disposal of the above Writ Petition, and pass

IA NO: 3 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to implead the Proposed Respondent No. 5 as the

Respondent No. 5 in WP.No. 6040 of 2026 for proper adjudication of the said writ petition, and to pass

IA NO: 4 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to vacate the ex-party interim orders granted on 03.03.2026 in W. P. No. 6040 of 2026 and dismiss the writ petition with costs and pass

Counsel for the Petitioner:

1.DEVALARAJU ANIL KUMAR

Counsel for the Respondent(S):

1.VENNA HEMANTH KUMAR(CENTRAL GOVERNMENT COUNSEL)

2.T V S KUMAR

The Court made the following:

ORDER

This Writ Petition is filed questioning the action of respondent no.3-The Dean (Administration) & Chair (Student Matters Facilitation Committee), Indian Institute of Management, Visakhapatnam in initiating the proceedings under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) without following due process of law and thereby issuing the impugned orders dated 17.02.2026 vide proceedings No. IIMV/ICC/Admn/2026/01.

2. The contents of the petition, in brief, are that respondent no.5 vide her mail dated 11.12.2025 filed a complaint with the Internal Complaints Committee (ICC) with regard to an inappropriate video of her recorded by the

petitioner. The ICC conducted a detailed enquiry into the matter in coordination with respondent no.3-Dean (Administration) & Chair (Student Matters Facilitation Committee) and submitted its report dated 22.12.2025 to the Competent Authority containing unanimous recommendations. It is the further case of the petitioner that she was forced to send mails dated 02.01.2026 and the same was treated as an appeal and pursuantly the respondent authority constituted Appeal Committee, vide order dated 06.01.2026 to examine the specific matter at hand and make suitable recommendations. That the said Appeal Committee was chaired by Prof. S. Sumitra, Chairperson of the Women's Cell and Member of the SC & ST Cell of the Institute and four Associate Professors and though the Chairperson and Members of the Appeal Committee were not part of the ICC, they were influenced by the ICC decision and made recommendations in the report dated 14.02.2026, without following due process of law. The Appeal Committee failed to allow cross-examination, denied access to inquiry documents, skipped mandated conciliation attempts under Section 11 of the POSH Act, and failed to serve notice or grant a personal hearing before imposing punishments either by ICC or Appeal Committee and thus there is gross violation of principles of natural justice.

It is the further case of the petitioner that the Appeal Committee lacks independent/external composition per POSH/UGC norms, as though chaired

by external law professor but comprising internal faculty. Furthermore, involving the SC&ST Cell exceeded jurisdiction, as it handles scheduled caste/tribe issues rather than POSH matters. Overlapping suspensions, a six month hostel ban, a permanent placement ban, and mandatory forced counseling/apologies are highly disproportionate and violate Articles 14, 16, and 21 of the Indian Constitution without proven malice or evidence . Accordingly, prayed to set aside/quash the impugned order dated 17/02/2026 being illegal, arbitrary, and unconstitutional, direct the official respondents to immediately permit the petitioner to attend classes physically, access the university hostel, and participate in placements and all academic activities on par with other students.

3. The respondent no.2-Director of Indian Institute of Management, filed counter affidavit denying the material averments of the writ affidavit and further contending that ICC functioned independently and in full compliance with the POSH Act, 2013 and UGC Regulations, 2015. The petitioner was given due notices, provided personal hearings and was provided opportunity for defense. That the petitioner previously submitted a Written Explanation (12-12-2025) and an Appeal (02-01-2026) in which she unequivocally admitted to the misconduct of filming a fellow female student in an undressed condition and showing it to others and accepted the ICC findings. That the Appeal Committee was chaired by an external legal expert, a former Law

College Principal, with independent faculty members and the committee granted a personal hearing on 19-01-2026, wherein the petitioner and her parents were heard and issued a mitigated Final Order dated 17-02-2026. That the Allegations regarding the SC-ST Cell were rejected. The SC-ST Cell reviewed the matter and unanimously found no caste-based bias or discrimination. That the disciplinary measures (phased suspension, hostel access restriction, and internal campus-placement debarment) are proportionate and balanced to protect the safety/dignity of campus environment while allowing the petitioner to continue her academic coursework. Hence, the writ petition is liable to be dismissed.

4. The respondent no.5 filed counter affidavit denying the averments of the writ affidavit and further contending that the proceedings comply strictly with Sections 2(n), 3(2)(v), 9(1), 11(1), 13, and 18 of the POSH Act, 2013, alongside UGC Regulations, 2015. That since the case is governed by specific statutory mechanisms and there was no violation of principles of natural justice, the violation of Articles 14, 21, and 300-A as alleged by the petitioner is not correct.

It is further contended that the petitioner recorded a video of the complainant naked while changing clothes in her hostel room without consent, causing extreme emotional distress, trauma, and ongoing fear of

extortion/blackmail. That the petitioner categorically admitted to the video recording in her written explanation to the ICC and in her appeal dated 02.01.2026, creating estoppel against claiming procedural unfairness. The ICC originally recommended a minimum one-year suspension and campus ban, but the second respondent imposed a significantly reduced, lenient penalty. It is further contended that the petitioner needs permanent expulsion as the current penalty is disproportionately lenient of the offense committed by the petitioner. Accordingly, prayed to dismiss the writ petition.

5. Heard Sri K.Madhusudhan Reddy, learned counsel for petitioner, Sri Challa Dhanunjaya, learned Additional Solicitor General, representing Sri Venna Hemanth Kumar, learned Central Government Counsel, and Sri T.V.S.Kumar, learned counsel for respondent no.5.

6. Sri K.Madhusudhan Reddy, learned counsel, while reiterating the contents of the writ affidavit would contend that the official respondents failed to provide adequate opportunity for cross-examination of witnesses, personal hearings, or access to inquiry documents and all the documents including witness statements and video evidence authentication were not disclosed to the petitioner and thus there was violation of the audi alteram partem principle. He would further contend that there was non-compliance with Section 9 (filing within 3 months) and Section 11 of the POSH Act, 2013 as no

mandatory Conciliation was attempted before initiating inquiry under Sections 10 & 11 of POSH Act and that the Appeal Committee lacked mandatory external/independent membership required by POSH and UGC norms and that the Appeal Committee simply relied on the reports of the ICC, SC & ST Cell without independent verification. He would further contend that the punishment awarded is disproportionate, more particularly debarment permanently from placements (summer internship and final placement) and other activities of the Student Affairs Council. He would further contend that the debarment of the petitioner from placements is highly onerous and disproportionate of the offence, as it completely ruins the petitioner's livelihood and career. He would further contend that since the petitioner had already undergone all the other punishments awarded by the Appeal Committee, the punishment of debarment permanently from placements may be relaxed, since it acts as a form of civil death, destroying a petitioner's future career prospects, which ultimately punishes the parents of the petitioner. Accordingly, prayed to allow the writ petition.

7. Sri Challa Dhanunjaya, learned Additional Solicitor General, representing learned Central Government Counsel, while reiterating the contents of the counter affidavit contended that the petitioner admitted misconduct in her Written Explanation dated 12-12-2025. He would further contend that ICC conducted its inquiry independently per the POSH Act 2013

and UGC Regulations 2015, without influence or participation from Respondent No. 3 and the petitioner attended multiple sittings, was confronted with witness statements, and received all relevant notices and documents and the unconditional participation in proceedings without initial objection estops the petitioner from now alleging procedural violations, lack of natural justice, or bias. He would further contend that Appeal Committee was chaired by an external legal expert and four internal faculty, who were not part of the initial ICC and therefore the Appeal Committee is impartial. The punishment awarded is proportional and the Appeal Committee reduced the severity of the initial ICC recommendations. He would further contend that filming a fellow female student in an undressed condition and showing it to other students violated victim's privacy and safety, necessitating strict disciplinary measures and permanent debarment from placements is restricted to the subject institution and hence the contention advanced that it acts as a form of civil death, destroy the petitioner's future career prospects and ultimately punishes the parents of the petitioner is misplaced. Accordingly, prayed to dismiss the writ petition being meritless.

8. Whereas, Sri T.V.S.Kumar, learned counsel for respondent no.5, while reiterating the contents of the counter affidavit would contend that the petitioner had admitted her guilt in her written statement and that respondent no.5 is experiencing severe psychological distress, anxiety, and post-traumatic

stress and that the non-consensual dissemination fundamentally violates privacy. He would further contend that ICC originally recommended a minimum one-year suspension and campus ban, but the second respondent imposed a significantly reduced, lenient penalty, which is disproportionately light relative to the offense. Accordingly, prayed to dismiss the writ petition being meritless.

9. Perused the material available on record and considered the submissions made by the learned counsel for the parties.

10. The record shows that the petitioner took part in the proceedings without making an early objection. This unconditional participation stops the petitioner from later claiming procedural violations, lack of natural justice, or bias. As such, this court rejects the contentions raised by the learned counsel for the petitioner that there was violation of principals of natural justice, procedural violations or bias, as they lack merit.

11. A perusal of the handwritten statement of the petitioner submitted to the ICC shows that she had admitted her misconduct of filming a fellow female student in an undressed condition and showing it to others.

12. Vide the orders impugned; the Appeal Committee imposed the following punishments:

"a. You stand suspended from the academic program and barred from entering the Institute campus for a period of two weeks (14 calendar days), effective from 20 February 2026 to 05 March 2026 (both days inclusive).

b. During this period, you are prohibited from accessing any academic facilities, attending classes, or participating in any Institute activities.

c. You continue to stand suspended from the hostel for a total period of six months. However, during this rest of the period of suspension from the hostel, (i.e., the duration excluding the suspension period from 20 February 2026 to 05 March 2026), you will be permitted to attend and have access to all academic activities

d. During the said residual suspension period, an opportunity is available to you to attend classes online, if you so make a request to the undersigned, in writing. In such a case, you shall agree to take care of all academic activities in the online mode. However, all exams are to be written in person, on the campus, as is the case with all your batch mates, but no hostel accommodation will be provided to you for the same.

e. You stand debarred permanently from placements (summer internship and final placement) and other activities of the Student Affairs Council.

f. You shall undergo mandatory counselling from the Student Counsellor, available in the Institute and the Student Counsellor shall be required to submit documentation of the same to the undersigned.

g. You shall, upon joining the hostel on conclusion of debarment, mandatorily participate in the programs raising awareness about the POSH Act 2013, conducted for the students.

h. You are once again reminded of your duty of confidentiality in the matter. You shall take responsibility to ensure that no further discussion takes place within the campus about the said video or the incident or the complaint.

i. You shall write an unconditional apology addressed to the Complainant (duly ink-signed with date) and submit it to the Presiding Officer (ICC) within two calendar days of receipt of this Order.

j. You stand permanently prohibited from indulging in any kind of personal interaction with the Complainant.

k. You are warned not to resort to any acts and deeds; or any communication with anyone in the present or in the future, in the context of the present complaint and circumstances, which may malign the image of the Complainant or witnesses or cause harm to them.

I. You shall be immediately expelled from the Institute without any further notice or inquiry -

i. In case of resurfacing of the said video at any time in the future, as you assured and averred that it was deleted permanently from all sources.

ii. If you fail to comply with, adhere to, or violate advertently or inadvertently, any of the conditions and actions being imposed on you as hereinabove, during the entire duration of your stay on the rolls of the Institute, as a student.”

13. As contended which was not denied by the other side, except for (e) and (g) all other punishments were undergone by the petitioner. It is brought to the notice of this Court that the petitioner is participating in the programs raising awareness about the POSH Act 2013, conducted for the students as directed in clause (g) of the order.

14. The learned counsel for the petitioner urged this Court to set aside the punishment imposed vide clause (e) contending that debarment permanently from placements would destroy the future prospects of the petitioner. The learned Additional Solicitor General and the counsel for respondent no. 5 opposed the request with equal force. They argued that the Appeal Committee had already been more lenient than deserved in reducing the punishment, and any further reduction would mean supporting the petitioner's wrongful act.

15. As rightly contended by the learned Additional Solicitor General, the imposition on the petitioner regarding placements is partial and limits only

campus placements of the subject institution and it does not affect her employment opportunities elsewhere.

16. Keeping in view the nature of the offence committed by the petitioner, its lifelong impact psychologically on respondent no. 5, the need to deter students from repeating similar offences, the importance of inculcating an awareness of the adverse consequences of such acts, and the necessity to safeguard the sanctity of educational institutions, this court is not inclined to grant the relief sought by the petitioner for the removal of clause (e) of the order.

17. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

18th August, 2026

JUSTICE RAVI CHEEMALAPATI
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