



2026:DHC:9483



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**%
Judgment reserved on: 10.09.2026
Judgment pronounced on: 27.10.2026
Judgment uploaded on: 27.10.2026# **CNR No. DLHC010429152026**+ **W.P.(C) 13218/2026 & CM APPL. 61510/2026**

DR. XXXXXXXX AND ANR. Petitioners

Through: Ms. Snigdha Singh and Mr.
Vaibhav Chaurasiya, Advocates
versus

UNIVERSITY OF DELHI & ORS. Respondents

Through: Mr. Mohinder Rupal, Mr.
Hardik Rupal, Ms. Aishwarya
Malhotra and Ms. Tripta
Sharma, Advocates for R-1
Mr. Anurag Dayal Mathur,
Advocate for R-2
Mr. Onkar Singh, Ms. Yashika
Vimal Advocates for
Respondent no. 14**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present writ petition, the petitioners – who are complainants under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [hereafter '**PoSH Act**'], assail (i) the order dated 28.07.2026 issued by respondent no.



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2/Kalindi College [hereafter '**the College**'], constituting a fresh Internal Committee [hereafter '**new IC**'] to inquire into their complaint, and (ii) the Speaking Order dated 16.07.2026 passed on behalf of the Vice-Chancellor of respondent no. 1/University of Delhi [hereafter '**the University**'], alongwith consequential directions, including for constitution of a fresh committee at the level of the University.

2. Since the present proceedings arise out of a complaint under the PoSH Act, the identity of the petitioners, is not being disclosed in this judgment, in view of Section 16 thereof.

FACTUAL BACKGROUND

3. Briefly stated, the facts of the case, as set out in the petition, are that, the petitioners are Associate Professors in the Departments of Zoology and Political Science of the College, which is a constituent college of University of Delhi. On 07.07.2025, a joint written complaint to the Principal of the College was submitted by the petitioners alleging that respondent nos. 10 to 13, who are members of the teaching faculty of the College, had subjected them to harassment, intimidation and derogatory as well as sexually coloured remarks, including in the Staff Association WhatsApp group and in a meeting of the Staff Association held on 03.07.2025, thereby creating a hostile work environment. Respondent no. 14, who was then a member of the Internal Complaints Committee of the College [hereafter '**the earlier ICC**'], was alleged to have deleted a



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message of one of the said respondents from the WhatsApp group.

4. On 22.07.2025, the petitioners had objected to the continuance of respondent no. 14 as a member of the earlier ICC. Thereafter, respondent no. 14 had himself sought recusal on 30.07.2025, however, the said request was declined by the College on 05.08.2025. The earlier ICC had concluded its inquiry *vide* report dated 19.09.2025, holding that the allegations were “not sexual in nature”, and the said report was accepted by the Governing Body of the College on 22.01.2026. Representations were made to the Chairperson of the governing body, and the petitioners thereafter preferred an appeal dated 22.12.2025 to the Vice-Chancellor, praying, *inter alia*, that the report be set aside and a fresh inquiry be conducted “by a newly constituted, impartial, and unbiased Internal Committee”.

5. The said appeal remained undecided. The petitioners, in the meantime, approached this Court by way of W.P.(C) 1793/2026, which was disposed of *vide* order dated 18.05.2026 in the following terms:

- “1. The petitioner has made various submissions and has stated that the entire inquiry is vitiated on many accounts, more particularly, since the allegations are against the Chairman of the governing body.
2. The Court, however, finds that the appeal against the Internal Complaints Committee’s recommendations has not been decided by any of the authorities.
3. Under these peculiar circumstances, it would be appropriate to direct the Vice Chancellor to decide the appeal independently.



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4. Let the decision be taken within a period of six weeks from the receipt of a copy of the order passed today.
5. If the grievance of the petitioners is not mitigated, the petitioner shall be at liberty to take appropriate recourse in accordance with law.
6. With these observations, petition stands disposed of.
7. All rights and contentions are left open.”

6. An application was thereafter moved by the petitioners and paragraph 1 of the above mentioned order was modified, *vide* order dated 26.05.2026, to the extent that it would read that ‘the allegations are against the Governing Body and ICC’.

7. The Vice-Chancellor of the University, thereafter, upon considering the appeal, further representations of the petitioners and the comments of the College, passed the impugned Speaking Order dated 16.07.2026, holding that respondent no. 14, despite having been named in the events forming the subject matter of the complaint, had participated in the inquiry and signed the report, giving rise to a reasonable apprehension of bias, and that the requirement of an external member under the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 [hereafter ‘**UGC Regulations**’] had not been duly complied with. The operative part of the said order reads as under:

“13.3. It is therefore concluded that: -

13.3.1. The inquiry conducted by the existing Internal Complaints Committee be set aside and treated as unsustainable.



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13.3.2. A fresh inquiry be conducted in accordance with law and the applicable statutory regulations.

13.3.3. Internal Complaints Committee be formed strictly in compliance with the provisions of the UGC regulations, 2015 and other applicable legal requirements.

13.3.4. No person who is directly or indirectly connected with, involved in, or interested in the subject matter of the complaint shall be included as a member of the Committee conducting the fresh inquiry or be part of the proceedings in any manner.

13.3.5. The fresh inquiry shall be conducted by an impartial and independent Committee by the Kalindi College in adherence to the principles of natural justice and procedural formalities within the time period of 60 days.

14. Accordingly, the appeal of Dr. XXXXXX and Dr. XXXX is disposed on the above terms.”

8. In compliance thereof, the Principal of the College, in her capacity as the Executive Authority, constituted the new IC *vide* order dated 28.07.2026, comprising (i) a woman faculty member of the Department of Botany as the Presiding Officer (respondent no. 6); (ii) two faculty members, being Associate Professors of the Departments of Zoology and Political Science (respondent nos. 4 and 7); (iii) two non-teaching employees, being the Section Officer (Administration) and the Senior Personal Assistant to the Principal (respondent nos. 8 and 5) and (iv) a Professor of Law Centre-I, Faculty of Law, University of Delhi, as the external member (respondent no. 9). Concededly, none of the members of the earlier ICC formed part of the new IC.

9. The petitioners were thereafter called upon to appear before the new IC on 31.08.2026 *vide* notice dated 18.08.2026. On their request, copies of the speaking order and of the order constituting the new IC



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were furnished to them on 24.08.2026. It is also on this date that they represented, to the Vice-chancellor, seeking reconstitution of the new IC.

10. Eventually, one petition i.e. W.P.(C) 12725/2026 filed by the petitioners was dismissed as withdrawn on 02.09.2026, with liberty to file afresh. Thereafter, the present petition has been filed, impleading the members of the new IC as respondent no. 4 to 9 and the persons complained against as respondent no. 10 to 14, and additionally assailing the speaking order dated 16.07.2026.

SUBMISSIONS BEFORE THE COURT

11. The learned counsel appearing for the petitioners argues that the new IC is flawed from the outset, as it has been constituted by the Principal of the College, who is the Member-Secretary of the Governing Body against which, along with the earlier ICC, the allegations of the petitioners stand recorded by this Court *vide* order dated 26.05.2026. It is further submitted that the Principal had earlier rejected the request of respondent no. 14 for recusal on 05.08.2025, even before the petitioners had appeared before the earlier ICC, and had permitted him to present the report before the Governing Body. It is further submitted that such bias was pleaded in W.P.(C) 1793/2026. It is argued that permitting the Principal to select the members of the new IC offends the maxim *nemo judex in causa sua*. It is further argued that the test is one of reasonable apprehension of bias in the mind of a fair-minded person, and that actual bias need not



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be established. It is also argued that respondent no. 4 was present at and participated in the Staff Association meeting dated 03.07.2025, which forms part of the subject matter of the complaint, and that her inclusion in the new IC is, therefore, in direct opposition to paragraph 13.3.4 of the Speaking Order. Respondent no. 5, on the other hand, being the Senior Personal Assistant to the Principal, is in direct administrative subordination to her and cannot be expected to function independently. It is also argued that no material has been furnished to show that the defect relating to the external member has been cured, and that only a list of names was supplied to the petitioners despite a specific request.

12. The learned counsel appearing for the petitioners further contends that the Speaking Order dated 16.07.2026 was passed without affording the petitioners a hearing and that the Vice-Chancellor, instead of deciding the appeal on merits as directed by this Court, merely recorded procedural lapses and referred the matter back to the College, i.e., the very authority against which bias is alleged. It is argued that this is akin to an appeal against an order of a High Court being decided by another Bench of the same High Court, and that an independent body ought to have been constituted at the University level. It is further submitted that the impugned Speaking Order was communicated to the petitioners only on 24.08.2026. It is also submitted that the petitioners' request for *in camera* proceedings was never acceded to, the CCTV footage and minutes of the relevant meetings were never supplied, and the petitioners continue to face a



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hostile work environment, as illustrated by their registration, without consent, for a University event in January 2026 and the imposition of unbroken duty during the Holi festival in February–March 2026.

13. *Per contra*, the learned counsel appearing on behalf of respondent no. 1/the University submits that the Speaking Order was passed in compliance with the directions of this Court, after considering the appeal, all subsequent representations made by the petitioners, and the College's record, and that it grants the very reliefs sought by the petitioners in their appeal, namely, setting aside the report of the earlier ICC and directing a fresh inquiry by a newly constituted committee. It is argued that the petitioners cannot be aggrieved by an order passed in their favour, nor can they rely upon it to the extent that it suits them while simultaneously assailing it. It is further contended that the Internal Committee is to be constituted at the workplace by its Executive Authority, and that there is no provision empowering the Vice-Chancellor to constitute a University-level committee for a complaint arising within a college.

14. The learned counsel appearing on behalf of respondent nos. 2 and 3 submits that the Principal is the Executive Authority of the College within the meaning of the UGC Regulations and that the constitution of the Internal Committee is a statutory function vested in her. It is argued that the new IC was constituted within twelve days of the Speaking Order, strictly in terms of Regulation 4 of the UGC Regulations, and that no member of the earlier ICC has been included therein. It is contended that the Principal is not a respondent to the



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complaint dated 07.07.2025 and that the order dated 26.05.2026 merely records the submissions of the petitioners and does not contain any finding of this Court. It is further submitted that no role in the incidents complained of is attributed to respondent no. 4; that respondent no. 5 has been nominated under Regulation 4(1)(b), which itself contemplates the nomination of non-teaching employees by the Executive Authority; that the external member has no connection with the College or the parties; and that the notice dated 18.08.2026 itself stipulates that the proceedings are strictly confidential.

15. The learned counsel appearing on behalf of respondent no. 14 submits that the repeated litigation instituted by the petitioners has stalled the fresh inquiry and that a complainant cannot be permitted to choose the members of the ICC on the basis of vague allegations of bias. It is, thus, prayed that the petition be dismissed.

16. This Court has **heard** arguments addressed on behalf of the petitioners as well as the respondents, and has perused the material placed on record.

ANALYSIS & FINDINGS

17. In the present case, the issues that arise for consideration are: (i) whether the Speaking Order dated 16.07.2026 suffers from any infirmity warranting interference by this Court; (ii) whether the constitution of the new IC by the Principal of the College stands vitiated on account of bias; and (iii) whether the composition of the



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new IC, or any of the other grievances raised, warrants interference by this Court in exercise of its writ jurisdiction.

18. At the outset, it is pertinent to note that Section 4 of the PoSH Act mandates that every employer of a workplace shall constitute an Internal Committee, the members whereof are to be nominated by the employer. In higher educational institutions, Regulation 4(1) of the UGC Regulations requires every Executive Authority to constitute an Internal Complaints Committee comprising a woman Presiding Officer, two faculty members, two non-teaching employees, and one member from amongst non-governmental organisations or a person familiar with the issues relating to sexual harassment, all nominated by the Executive Authority. The autonomy of such a Committee is secured by Regulation 4(3), which reads as under:

“(3) Persons in senior administrative positions in the HEI, such as Vice-Chancellor, Pro Vice-Chancellors, Rectors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning.”

19. It is the own case of the petitioners that the Principal is the ‘Executive Authority’ of the College under Regulation 2(g) of the UGC Regulations, in whom the power to nominate the members of the Internal Committee is *statutorily vested*. The statute, thus, designates the Internal Committee of the workplace as the forum which ‘*shall*’ inquire into complaints of sexual harassment, within a time-bound framework, the inquiry being required to be completed within ninety days under Section 11(4) of the PoSH Act. In **Prof. Rasal Singh v. University of Delhi: W.P.(C) 14760/2025**, decided on



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24.04.2026, the Coordinate Bench of this Court has observed as under:

“45. ...The PoSH Act specifically creates a self-contained mechanism for redressal of such complaints through the Internal Complaints Committee/Local Committee. Once the legislature has expressly designated the ICC/Local Committee as the authority which shall inquire into such complaints, the constitution of any parallel or pre-ICC fact-finding body would be outside the statutory scheme.”

20. At the same time, the Hon’ble Supreme Court in ***Aureliano Fernandes v. State of Goa***: (2024) 1 SCC 632 has cautioned that “An improperly constituted ICC/LC/IC, would be an impediment in conducting an inquiry into a complaint of sexual harassment at the workplace”. The question before this Court, therefore, is whether the new IC, constituted under the aforesaid statutory scheme, suffers from any such infirmity as would warrant its dissolution.

21. To appreciate the rival contentions, this Court notes that *vide* order dated 18.05.2026 passed in W.P.(C) 1793/2026, the Predecessor Bench had only issued a direction to the Vice-Chancellor of the University to decide the appeal of the petitioners independently, leaving all rights and contentions of the petitioners open. The order dated 26.05.2026 passed subsequently only modified the submission of the petitioners recorded in the previous order dated 18.05.2026; and thus, as against the paragraph 1 of order dated 18.05.2026 recording “*The petitioner has made various submissions and has stated that the entire inquiry is vitiated on many accounts, more particularly, since the allegations are against the Chairman of*



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the governing body.”, the order dated 26.05.2026 modified the said paragraph 1 to read as “The petitioner has made various submissions and has stated that the entire inquiry is vitiated on many accounts, more particularly, since the allegations are against the Governing Body and ICC.”

22. In fact, in their application seeking the aforesaid modification, the petitioners had themselves categorically stated that they were “*not seeking any review, reconsideration or alteration of the substantive directions*” and that the application was “*confined only to seeking modification of the factual recording of the submissions advanced by the Petitioners*”. The recording that ‘*the allegations are against the Governing Body and ICC*’ is, thus, only a recital of the case of the petitioners, and cannot, by any stretch of imagination, be read as a finding of this Court that the Governing Body or the Principal of the College was biased.

23. It is further to be noted that the appeal dated 22.12.2025 filed by the petitioners herein, which the Vice-Chancellor of the University was directed by this Court to decide, had sought the setting aside of the report of the earlier ICC and a fresh inquiry by a newly constituted, impartial and unbiased Internal Committee. Even in W.P.(C) 1793/2026, the petitioners had prayed for the constitution of a fresh Internal Committee “strictly in accordance with Section 4” of the PoSH Act, excluding respondent no. 14, and for a *de novo* inquiry. In the opinion of this Court, the impugned Speaking Order has granted precisely the reliefs sought by the petitioners, inasmuch



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as the report of the earlier ICC has been set aside, a fresh inquiry has been directed, and the new IC is required to be constituted strictly in accordance with the UGC Regulations, excluding any person connected with the subject matter of the complaint. In these circumstances, this Court finds no ground to hold that the petitioners can legitimately claim any grievance against the relief granted by the impugned Speaking Order.

24. The contention of the petitioners that the impugned Speaking Order was passed without affording them a hearing also does not merit acceptance. It is material to note that the Vice-Chancellor considered the written appeal dated 22.12.2025 preferred by the petitioners, as well as their subsequent representations, which have been specifically noticed in the impugned order. The Speaking Order also addresses the core of their grievance by setting aside the report of the earlier ICC and directing a fresh inquiry by a newly constituted Internal Committee, in accordance with the applicable statutory framework. Further, it is also material to note that the order dated 18.05.2026 passed by this Court directed the Vice-Chancellor to decide the appeal independently but did not specifically require that the petitioners be afforded a personal hearing.

25. While the observance of the principles of natural justice must be assessed in the facts and circumstances of each case, the mere absence of a personal hearing does not, by itself, establish that the decision-making process stands vitiated. The petitioners must demonstrate that the procedure adopted resulted in prejudice to them.



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In **Aligarh Muslim University v. Mansoor Ali Khan**, (2000) 7 SCC 529, the Hon'ble Supreme Court approved the principle that “....*There must have been some real prejudice to the complainant; there is no such thing as a merely technical infringement of natural justice...*”.

26. In the present case, the petitioners have not demonstrated any such prejudice arising from the absence of a personal hearing before the Vice-Chancellor. Their written appeal and subsequent representations were considered, and the decision substantially accords with the reliefs sought by them. It is also pertinent to note that the petitioners themselves seek to rely upon paragraphs 13.3.3 to 13.3.5 of the impugned Speaking Order as the standard against which the constitution of the new IC is to be tested, even while challenging the said order itself, which further reinforces the need to examine their grievance in light of the actual directions issued in the said order, and the prejudice, if any, resulting from the procedure adopted. In these circumstances, and in the absence of any demonstrated prejudice attributable to the absence of a personal hearing, this Court finds no ground to interfere with the impugned Speaking Order on this count.

27. The argument that the Vice-Chancellor ought to have decided the appeal on merits, rather than directing a fresh inquiry, is also misconceived, since in the opinion of this Court, once the appellate authority found that the earlier inquiry stood vitiated on account of the participation of a member named in the events complained of, and



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the absence of a validly nominated external member, the inquiry stood rendered unsustainable at its very foundation. In such circumstances, the only course consistent with the PoSH Act was to direct a fresh inquiry by a properly constituted Internal Committee. The Vice-Chancellor could not have assumed to himself the fact-finding function which the statute vests in the Internal Committee, since such a course would have resulted in precisely the kind of parallel mechanism which this Court in **Prof. Rasal Singh** (*supra*) has held to be outside the statutory scheme. The analogy sought to be drawn with an appeal from an order of a High Court being decided by another Bench of the same Court is unmerited, since the appeal of the petitioners has been decided by the Vice-Chancellor himself, and it is only the fresh inquiry which is to be conducted by the statutory body of first instance.

28. For the same reason, the prayer for constitution of a committee at the level of the University cannot also be granted. The petitioners as well as respondent nos. 10 to 14 are employees of the College, which is their workplace, and neither the PoSH Act nor the UGC Regulations contemplate any Committee to be constituted by the Vice-Chancellor of the University for a complaint arising within a college. This Court also takes note of the fact that a Coordinate Bench of this Court in **Rashi v. Union of India**: W.P.(C) 3396/2019, decided on 04.12.2020, had observed that “*In cases where persons who have been at the helm of affairs are themselves the Respondents in a complaint, the ICC cannot be one of their choice or of persons*



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who have worked under them”. However, such principle has no application to the present case, since the Principal of the College herein is not a respondent to the complaint dated 07.07.2025, and the persons complained against are members of the faculty who exercise no administrative control over the members of the new IC.

29. Insofar as the argument of the petitioners that the Principal, against whom bias is alleged, could not have constituted the new IC, is concerned, this Court is of the view that it is well-settled that mere apprehension of bias is not enough. In **G.N. Nayak v. Goa University: (2002) 2 SCC 712**, the Hon’ble Supreme Court has held as under:

“34. It is not every kind of bias which in law is taken to vitiate an act. It must be a prejudice which is not founded on reason, and actuated by self interest whether pecuniary or personal. Because of this element of personal interest, bias is also seen as an extension of the principle of natural justice that no man should be a judge in his own cause...”

(Emphasis added)

30. Further, in **ABP (P) Ltd. v. Union of India: (2014) 3 SCC 327**, the Hon’ble Supreme Court, after referring to **Kumaon Mandal Vikas Nigam Ltd. v. Girja Shankar Pant: (2001) 1 SCC 182**, had observed as under:

“35. It is well-settled that mere apprehension of bias is not enough and there must be cogent evidence available on record to come to the conclusion. ...

36. This Court, in **State of Punjab vs. V.K. Khanna (2001) 2 SCC 330**, has held as follows:

‘8. The test, therefore, is as to whether there is a mere apprehension of bias or there is a real danger of bias and it



is on this score that the surrounding circumstances must and ought to be collated and necessary conclusion drawn therefrom. In the event, however, the conclusion is otherwise that there is existing a real danger of bias administrative action cannot be sustained. **If on the other hand allegations pertain to rather fanciful apprehension in administrative action, question of declaring them to be unsustainable on the basis therefor, would not arise.”**

(Emphasis added)

31. In this regard, it would also be apposite to take note of the decision of this Court in *Somaya Gupta v. Jawaharlal Nehru University: 2018 SCC OnLine Del 10819*, wherein the complainant had sought reconstitution of the ICC on the ground that it had been constituted by the Executive Council of the University, which included the Vice-Chancellor and the Rector, against whom her complaint was directed. Rejecting such challenge, this Court held as under:

“8. The petitioner seeks reconstitution of the entire ICC on the ground of bias. **In order to succeed, the petitioner would require to establish that there is real likelihood of bias. Mere apprehension in the petitioner’s mind would be insufficient for securing such relief.**

11. In the facts of the present case, it is difficult to accept that there is any real likelihood of bias against the petitioner. There is no allegation that any of the members of the ICC have any pecuniary or personal interest in the matter (except the Chairperson of the ICC). Indisputably, the Presiding Officer of the ICC (Chief Proctor, Ms Vibha Tandon) is a witness to the incident and, therefore, would be disqualified from acting as a member of the ICC in case of the petitioner. This Court is informed that she had already recused and would not be participating in any meeting of the ICC or the inquiry relating to the petitioner. She is also not a part of the Inquiry



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Committee which has been constituted. There is, thus, no material on record which would even remotely lead to any suspicion that the members of the Inquiry Committee so constituted have any personal interest that would conflict in their obligation to conduct an inquiry fairly and make a fair recommendation. **The mere fact that the ICC was constituted by the Executive Council of the University that included two members were accused, is clearly insufficient to doubt the integrity or ability of the ICC to render an unbiased opinion.”**

(Emphasis added)

32. Notably, the Special Leave Petition challenging the aforesaid decision, being *SLP (C) No. 26486/2018*, came to be dismissed by the Supreme Court on 04.02.2020.

33. Tested on the anvil of the aforesaid principles, this Court is of the considered opinion that the challenge of the petitioners has to fail. The Principal of the College in the present case is not a respondent to the complaint dated 07.07.2025. The allegations against her pertain to her administrative decisions, namely, declining the request for recusal of respondent no. 14, the acceptance of the report by the Governing Body, and inaction on the representations of the petitioners. The first two events stand effectively undone by the impugned Speaking Order passed by the Vice-Chancellor, and the College has, in compliance thereof, excluded respondent no. 14 as well as every member of the earlier ICC from the new IC. Dissatisfaction with past administrative decisions cannot amount to any personal or pecuniary interest in the outcome of the inquiry, and there is no allegation that the Principal has any relationship with, or interest in protecting, respondent nos. 10 to 14. Moreover, the role of the Executive Authority under



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Regulation 4 of UGC Regulations is confined to nominating the members; and the adjudicatory function vests in the Internal Committee, which functions autonomously. If such grievances were held sufficient to disqualify the Executive Authority, the Internal Committee of a workplace could seldom be constituted, and the statutory scheme would be rendered unworkable. In **Somaya Gupta** (*supra*), even the participation of persons against whom the complaint was directed in the body that constituted the ICC was held insufficient, in itself, to establish bias. The allegations in the present case, which do not extend to any such participation by the Principal, therefore, do not furnish a sufficient basis to infer a reasonable likelihood of bias in the constitution of the new IC.

34. Insofar as the objection of the petitioners to inclusion of respondent no. 4 in the new IC is concerned, the only averment in the petition is that she was “present and participated” in the meeting of the Staff Association held on 03.07.2025. The petition does not attribute to her any remark, any role in the WhatsApp exchanges, or any relationship with the parties, nor is it the case of the petitioners that she has been cited as a witness. The Staff Association is the body of the teaching staff of the College, and mere attendance at its meeting cannot render a faculty member a person “*directly or indirectly connected with, involved in, or interested in the subject matter of the complaint*” within the meaning of paragraph 13.3.4 of the impugned Speaking Order. Accepting such a contention would disqualify every member of the faculty who attended the said



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meeting.

35. As regards the objection to inclusion of respondent no. 5 in the new IC, this Court notes that Regulation 4(1)(b) of the UGC Regulations itself mandates that two non-teaching employees are to be nominated to the Committee by the Executive Authority. Clearly, every non-teaching employee of a college is, in the ordinary course, under the administrative control of the Principal, and if such administrative subordination was by itself a disqualification, the Regulation itself would be rendered nugatory. It is pertinent to note that the UGC Regulations exclude only persons in senior administrative positions under Regulation 4(3), and the post of a Senior Personal Assistant (respondent no. 5) is not one of them. No other circumstance has been pleaded to suggest that respondent no. 5 has any interest in the outcome of the inquiry.

36. Similarly, the external member in the new IC is a Professor of Law at the Faculty of Law, University of Delhi, who is neither an employee of the College nor is alleged to have any connection with the parties. No positive case of disqualification has been pleaded against her, and the observations in paragraph 13.2 of the impugned Speaking Order, that an advocate had signed the earlier report as a 'Legal Expert' and not as an external member, stands cured by the nomination of a distinct external member *vide* order dated 28.07.2026 constituting the new IC.

37. In view of the foregoing discussion, this Court finds no



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infirmity either in the impugned Speaking Order dated 16.07.2026 or in the order dated 28.07.2026 constituting the new IC. The apprehensions expressed by the petitioners, though earnestly urged, are not founded on cogent material and do not disclose any real likelihood of bias.

38. However, considering that the complaint dated 07.07.2025 has remained pending for more than fifteen months, and the period stipulated in the impugned Speaking Order has lapsed during the pendency of the present proceedings, it is directed as under:

(i) The new IC shall proceed with the inquiry into the complaint dated 07.07.2025 and shall endeavour to conclude the same within a period of ninety days from the date of receipt of a copy of this judgment, in terms of Section 11(4) of the PoSH Act.

(ii) The inquiry shall be conducted in accordance with the PoSH Act, the Rules framed thereunder and the UGC Regulations, and in adherence to the principles of natural justice.

39. The present petition is, accordingly, dismissed, alongwith pending applications, *albeit* with above directions.

40. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
OCTOBER 27, 2026/zp