



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE ASHISH SHROTI

ON THE 29th OF JUNE, 2026

WRIT APPEAL No. 2332 of 2025

DR DILIP KUMAR DUREHA

Versus

SMT ANUSHA DEEPAK TYAGI AND OTHERS

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Appearance:

Shri Prashant Sharma and Shri Upendra Yadav - Advocates for appellant.

Shri Yogesh Chaturvedi - Advocate for respondent No.1

Shri Praveen Kumar Newaskar - Deputy Solicitor General for respondents No.2, 4 and 5.

Shri Sourabh Jain - Advocate for the respondent No.3/UGC.

Shri Ankur Mody - Additional Advocate General and Shri Rajendra Jain - Government Advocate for the respondents No.6, 7 and 8.

Shri D.P.S. Bhadouriya - Advocate for the respondents No.9 and 11.

Shri Rajmani Bansal - Advocate for the respondent No.10.

None present for the respondent No.12.

Shri Chetan Kanoongo - Advocate for the respondents No.13 and 14.
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ORDER

Per. Justice Anand Pathak

The present writ appeal under Section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyay Peeth Ko Appeal) Adhiniyam, 2005 has been preferred by the appellant being crestfallen by the order dated 15.07.2025 passed in Writ Petition No.5625/2020, whereby writ petition



filed by respondent No.1(petitioner) is allowed and on the basis of finding given by Internal Complaint Committee (hereinafter referred as "ICC") of Lakshmibai National Institute of Physical Education (LNIFE respondents No.4 and 5 herein), compensation is awarded by learned Writ Court.

2 . Precisely stated facts of the case are that respondent No.1 was working as Yoga Instructor at the relevant point of time in the year 2019 in LNIFE where present appellant was working as Vice Chancellor. On the basis of an incident in March, 2019, complaint was lodged by respondent No.1 on 14.10.2019 under the Sexual Harassment of Woman at Work Place (Prevention, Prohibition and Redressal) Act, 2013.

3 . On the basis of complaint so received, ICC initiated inquiry proceedings. It is worthwhile to mention the fact that in pursuance to Act 2013, relevant service rules were also amended. In Central Civil Services (Classification Control and Appeal) Rules, 1965 amendment was incorporated treating ICC as the inquiring authority under relevant rules appointed by disciplinary authority for the purpose of said rules, meaning thereby ICC can act as inquiring authority on the allegation so levelled under the Act of 2013.

4 . In pursuance thereof, ICC conducted inquiry and gave its finding vide inquiry report dated 21.09.2020. The said findings were having the trappings of alleged misconduct against present appellant. However, no penal action was suggested in the inquiry report. It appears that being aggrieved by said recommendation of ICC, appellant preferred the appeal purportedly under Section 18 of POSH Act and under Clause 8(5) of the



University Grant Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Woman Employee and Student in Higher Educational Institution) Regulations, 2015. The said appeal as submitted by learned counsel for the appellant is still pending.

5 . Meanwhile, it appears that respondent No.1 filed writ petition bearing Writ Petition No.5625/2020 before learned Writ Court seeking multiple reliefs including grant of compensation from present appellant as well as State Government. Learned Writ Court allowed the writ petition and granted compensation to the tune of Rs.35 lacs to be given by appellant to respondent No.1 as compensation and Rs.5 lacs imposed over State Functionaries for not registering the criminal case at the instance of respondent No.1 within time and dragged the investigation and caused delay. Vide impugned order Rs.1 lac was imposed over LNIPE also for showing casual attitude towards the whole incident. Therefore, appellant is before this Court.

6 . It is the submission of learned counsel for the appellant that appellant was vice chancellor at the relevant point of time and because of administrative functions, he had to take some strict decision which resulted into findings as surfaced in report. Without adverting on merits of the case in detail, counsel for appellant referred the fact that appeal as referred above is still pending against the recommendation of ICC. During pendency of appeal, any observation either by learned Writ Court or by this Court causes prejudice and adversity to the cause of justice specially to appellant because if order of learned Writ Court is allowed to stand then it proceeds with



assumption about the guilt of appellant. Appeal is still pending and same shall be heard and decided on merits.

7. This Court raised specific query from Deputy Solicitor General Shri Praveen Kumar Newaskar and he submitted that appeal may have forwarded but at present they have no record pertaining to the same.

8. Shri Yogesh Chaturvedi, learned counsel appearing for respondent No.1 opposed the contentions and submits that facts regarding filing of appeal has never been disclosed by appellant in his return and now this point is raised for the first time in appeal. According to him, no appeal was preferred.

9 . Learned counsel for the appellant placed the mail sent on 20.10.2020 and its acknowledgment and uploaded on ERP to bring home the fact that appeal was duly sent by appellant through e-mail I.D.

10. After considering the rival submissions and looking to the tenure and texture of the dispute, it is apposite that first departmental authority should apply its mind in appeal where contentions raised by the appellant as well as reply, if any preferred by the respondents (specially respondent No.1) be met and reasonable/logical decision be taken. This way factual matrix of the case and the issues raised by the appellant as well as respondent No. 1 during the course of arguments would be examined threadbare, as the right of appeal is a substantive right which is required to be given to the authority concerned, so that on facts clarity may come to the fore.

11 . Resultantly impugned order dated 15.07.2025 in W.P. No. 5625/20 is hereby set aside and matter is remanded back to the appellate



authority which according to counsel for appellant and LNIPE is Secretary, Ministry of Sports and Youth Affairs, Government of India.

12. Appellant and respondents are directed to appear before appellate authority alongwith copy of memo of appeal and certified copy of this order and after receipt of the same, appellate authority shall make all endeavours to give reasonable opportunity of hearing to all the parties concerned and thereafter, ensure passing of final order in accordance with law at an expeditious note preferably within a period of two months from the date of first appearance of the parties before the appellate authority.

13. Parties may appear before the appellate authority on 14.07.2026.

14. Accordingly, the appeal stands **disposed of**.

(ANAND PATHAK)
JUDGE

(ASHISH SHROTI)
JUDGE

Rashid