



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. OF 2025

(Arising out of Special Leave Petition (C) No. 17936 of 2025)

VANEETA PATNAIK

...APPELLANT(S)

VERSUS

NIRMAL KANTI CHAKRABARTI & ORS.

...RESPONDENT(S)

ORDER

PANKAJ MITHAL, J.

1. Leave granted
2. Heard Ms. Meenakshi Arora, senior counsel and Ms. Madhavi Divan, senior counsel, appearing for the appellant and the respondent no.1 respectively.
3. The appellant-Ms. Vaneeta Patnaik is a faculty member of the West Bengal National University of Juridical Sciences¹, Kolkata. Dr. Nirmal Kanti Chakrabarti, respondent no.1

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¹ Hereinafter referred to as “NUJS” or “University”

was appointed as a Vice Chancellor of NUJS on 03.07.2019

- 4.** The appellant lodged a formal complaint on 26.12.2023 with the Local Complaint Committee² alleging sexual harassment on part of respondent no.1. The LCC rejected the complaint as barred by time inasmuch as the last alleged incident of sexual harassment occurred in April 2023; whereas the complaint was filed on 26.12.2023 which was not only beyond the prescribed period of limitation of three months but also beyond the extendable period of limitation of six months.
- 5.** The appellant, aggrieved by the rejection of her complaint, preferred a writ petition before the High Court. The single Judge of the High Court vide judgment and order dated 22.05.2024 quashed the order of the LCC and directed for rehearing of the complaint on its merit. The single Judge held that the appellant was subjected to threat of detrimental treatment in her employment even after April 2023 and as the Vice-Chancellor created an intimidating, offensive and hostile work environment for her, as such

² Hereinafter referred to as "LCC"

the complaint was within time, taking the subsequent event as the last incident of sexual harassment.

- 6.** The aforesaid judgment and order of the single Judge of the High Court was taken up by the Division Bench in a writ appeal, FMA No. 873 of 2024 (M.A.T. No. 1295 of 2024) and the same was allowed by the impugned judgment and order dated 23.12.2024.
- 7.** The Division Bench held that administrative actions taken against the appellant after April 2023 were collective decisions of the Executive Council, consisting of eminent academicians, jurists and even Supreme Court Judges and were not just personal actions of the Vice-Chancellor. It was improbable for the Vice-Chancellor to have prevailed over the decision of the Executive Council, exerting his pressure. He was not in a position to manipulate the decision of the Executive Council. The alleged incidents of harassment, if any, after April 2023, did not constitute sexual harassment and that even the appellant in all her communications to the Chancellor and Executive Council prior to December 2023, had not made any allegation of such sexual harassment against the Vice-Chancellor.

Therefore, the complaint filed on 26.12.2023, after the last incident of sexual harassment that took place in April 2023, is beyond the normal period of limitation and even the extended period. It was, therefore, rightly rejected by the LCC as barred by time and the Single Judge of the High Court was not justified in overturning the said decision.

- 8.** The neat question which falls for consideration of this Court is: whether the Division Bench of the High Court is justified in non-suiting the appellant on the ground that her complaint was barred by limitation.
- 9.** To decide the above issue in the facts of the present case, it would be beneficial to first consider not only the definition of 'sexual harassment' but also what other circumstances, acts or behaviours would constitute as sexual harassment, vis-a-vis the period of limitation provided for making complaint in that regard.
- 10.** 'Sexual harassment' is defined in Section 2(n) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013³ to include any one or more of the unwelcome act or behaviour (whether

³ Hereinafter referred as the "POSH Act"

directly or by implication) such as physical contact and advances; or a demand or request for sexual favours; or making sexually coloured remarks; or showing pornography; or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

- 11.** Section 3 of the POSH Act, while providing that no woman shall be subjected to sexual harassment at any workplace, describes certain circumstances that would amount as an act or behaviour of sexual harassment, i.e., implied or explicit promise of preferential treatment in her employment; or implied or explicit threat of detrimental treatment in her employment; or implied or explicit threat about her present or future employment status; or interference with her work or creating an intimidating or offensive or hostile work environment for her; or humiliating treatment likely to affect her health or safety.
- 12.** On a combined reading of both the above provisions, it is manifest that not only the unwelcome act or behaviour in the form of physical contact or advances, a demand or request for sexual favours, making sexually coloured remarks, showing pornography or any unwelcome

physical, verbal or non-verbal conduct of sexual nature but also any other circumstances connected with the act or behaviour of sexual harassment, like implied or explicit promise of preferential treatment in employment, threat about the present and future employment status, interference with work or creating an intimidating, offensive or hostile work environment or subjecting to humiliating treatment which may likely affect her health or safety, would also amount to acts or behaviour of sexual harassment.

- 13.** Section 9 of the Act postulates that any aggrieved woman may make a complaint, in writing, of sexual harassment at the work place to the Local Committee within a period of three months from the date of incident, and in the case of series of incidents, within a period of three months from the date of the last incident. The second proviso to Section 9 provides that the LCC may for reasons to be recorded in writing, extend the time of making the complaint not exceeding three months, if it is satisfied that the circumstances prevailing prevented the woman from filing of the complaint within the period prescribed.

- 14.** In other words, a complaint of sexual harassment is mandatorily required to be filed within a period of three months from the date of the last incident of such harassment or within a further extended period of three months, i.e., within a maximum period of six months from the date of the last incident of sexual harassment.
- 15.** No doubt, the issue of limitation is ordinarily a mixed question of fact and law and it may not be possible to throw out a complaint at the threshold without collecting material on the factual aspects relating to the limitation. Nonetheless, where a complaint on the simple reading of the averments made therein appears to be patently barred by limitation, it can be rejected at the very first instance on the analogy of Order VII Rule 11 CPC, without even calling the other side to participate in the proceedings.
- 16.** In view of the above, it would be prudent to consider the averments made in the complaint which admittedly was filed by the appellant on 26.12.2023. The said complaint, apart from other things, *inter alia*, alleges that respondent no. 1 joined the University as the Vice-Chancellor in July 2019. He called her (the appellant herein) in his office in

September 2019, and insisted that she should accompany him for dinner, which would greatly benefit her personally. He even touched her hand in a manner that made her extremely uncomfortable, whereupon, she left his office quietly.

- 17.** The Vice-Chancellor again called her in his office in October 2019. He asked her whether she (the appellant) has thought over his proposal for going out for a dinner. The appellant told him that she is not comfortable and wants to keep the relationship professional only. He, thereafter, demanded sexual favour from her and threatened her if the offers are declined.
- 18.** In October 2019, her promotion was put on hold by the Executive Council. Finally, the Executive Council in its meeting held on 02.04.2022 accepted the recommendations of the Selection Committee and cleared her for promotion.
- 19.** The appellant was called upon by the Vice-Chancellor in his office again in April 2023, where he asked the appellant to accompany him on a trip to a resort which the appellant flatly refused. Thereupon, he threatened the appellant that

her career would suffer badly. On 29.08.2023, the appellant received a letter from the Vice-Chancellor removing her as Director, Centre of Financial, Regulatory and Governance Studies⁴.

20. In the meantime, some complaints by the faculty members were made against her, whereupon the Executive Council resolved to appoint the Principal Secretary, Law, Government of West Bengal as a 'one-man enquiry commission' for conducting preliminary enquiry into the issue of misutilisation of the grant received from UGC and with regard to the issue of National Foundation of Corporate Governance⁵. The Executive Council resolved that a sum of Rs. 1,00,000/- be refunded immediately by the NUJS. Thereafter, the appellant allegedly made complaints of harassment and victimisation to the members of the Executive Council through e-mails and even to the Chancellor.

21. A plain reading of the entire complaint would reveal that the sexual harassment, if any, of the appellant at the hands of respondent no.1 commenced sometime in

⁴ Hereinafter referred to as "CFRGS"

⁵ Hereinafter referred to as "NFCG"

September 2019, and the last incident in that connection took place in April 2023. Thereafter, no incident of sexual harassment is alleged to have taken place except for the fact that on 29.08.2023, the appellant was removed from the post of Director, CFRGS or that a preliminary inquiry was instituted against her by the Executive Council.

- 22.** The complaint of the appellant from the last incident of sexual harassment of April 2023, is certainly beyond time. However, the issue is whether the subsequent event of removal of the appellant from the post of the Director, CFRGS or initiation of inquiry by the Executive Council are in any way linked to sexual harassment or amounts to sexual harassment as described under Section 3(2) of the POSH Act.
- 23.** The last incident of actual sexual harassment took place in April 2023. The subsequent incident of August 2023, whereunder the appellant was removed as Director of CFRGS, with no financial implications arose out of a complaint received from the Central Government undertaking i.e. NFCG wherein appellant was specifically named. The said action was taken completely

independently on the basis of the complaint of NFCG alleging that the project report was not submitted within time and that the amount sanctioned for the project be refunded. It may be pertinent to note that the MoU was signed by the appellant with the NFCG and the bank account was also under her control.

- 24.** In view of the above, the incident of removal of appellant as the Director of CFRGS cannot be attributed as an act of sexual harassment in connection with the previous incidents. It was based upon the report of NFCG, an independent body.
- 25.** The inquiry into the project funds was taken up by the Executive Council and it was a collective decision and not a unilateral action of the Vice-Chancellor. Thus, the said act would also not amount to an act of sexual harassment in conjunction with the previous reported acts.
- 26.** The actions taken against the appellant in August 2023, are administrative in nature and does not create a gender based hostile environment, and hence, fall short of being actions amounting to acts of sexual harassment.

- 27.** It would be important to refer to the expressions “*in relation to*” or “*connected with*” used in Section 3(2) of the Act. The use of the above expression clearly demonstrates that there has to be a direct link between the action complained of and an overt act of sexual harassment. In view of what has been said above, we find no such direct link between the last incident of sexual harassment which happened in April 2023, and those referred to subsequently in August 2023 or December 2023.
- 28.** A distinction has to be made between a “*continuing wrong*” and a “*recurring wrong*”. The difference between the two has been clarified in ***Union of India vs. Tarsem Singh***⁶ where it has been held that a “*continuing wrong*” is when the injury itself persists, whereas a “*recurring wrong*” is when a fresh cause of action arises each time.
- 29.** The alleged act of harassment of April 2023, was a complete act in itself and had not continued thereafter. The administrative measures of August 2023, were independent and were collective decisions of the NFCG and the Executive Council which cannot be solely attributed to

⁶ (2008) 8 SCC 648

the Vice-Chancellor. The said decision may have caused inconvenience to the appellant or may have given an impression that they are in line with previous acts of harassment, but they were not part of the continued sexual harassment. The subsequent events have no connection to the earlier act of sexual misconduct and as such, fall clearly out of the preview of acts or behaviours amounting to sexual harassment. In this way, the incident of April 2023, remains the last event related to sexual harassment.

- 30.** The appellant, in addressing her grievances to the Chancellor, had not made any mention whatsoever of the sexual harassment which may have taken place in August, 2023 onwards. The appellant initiated the complaint on 26.12.2023, immediately after the Executive Council meeting on 21.12.2023, which had resolved to inquire into diverse acts of misconduct on part of the appellant, that could give an impression that the complaint was filed in retaliation.
- 31.** The appellant, in filing the complaint, also moved an application for condonation of delay stating that there were

“mitigating circumstances” which she had attempted to resolve within the institution and when she failed, she then filed the complaint. The very fact that the appellant was conscious of the fact that her complaint was delayed, proves that she herself treated the act of April 2023, to be the last incident of sexual harassment and as such, tried to explain the delay in filing the complaint.

- 32.** In view of the aforesaid facts and circumstances as well as the discussion, we are of the view that the Division Bench of the High Court committed no error of law in restoring the decision of the LCC that the complaint of the appellant is time barred and is liable to be dismissed.
- 33.** It is advisable to forgive the wrongdoer, but not to forget the wrongdoing. The wrong which has been committed against the appellant may not be investigated on technical grounds, but it must not be forgotten.
- 34.** In this view of the matter, we direct that the incidents of alleged sexual harassment on part of respondent no.1 may be forgiven but allowed to haunt the wrongdoer forever. Thus, it is directed that this judgment shall be made part

of the resume of respondent no.1, compliance of which shall be strictly ensured by him personally.

- 35.** The appeal is dismissed with the observations made above.
- 36.** Pending application(s), if any, shall stand disposed of.

..... **J.**
(PANKAJ MITHAL)

..... **J.**
(PRASANNA B. VARALE)

NEW DELHI;
SEPTEMBER 12, 2025.