



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

VANEETA PATNAIK v. NIRMAL KANTI CHAKRABARTI & ORS.

Civil Appeal arising out of SLP (C) No. 17936 of 2025, 2025 INSC 1106

- *Khyati Oraon*

Decided: September 12, 2025

Coram: Justice Pankaj Mithal and Justice Prasanna B. Varale

I. INTRODUCTION

In "*Vaneeta Patnaik v. Nirmal Kanti Chakrabarti & Ors.*" (Sept 12, 2025),¹ the Supreme Court of India delivered a landmark ruling that considers the relationship between limitation period requirements of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ('the PoSH Act')² and substantive claims of complainants. The facts of the case arose from a complaint made by an academic against NUJS' Vice-Chancellor for sexual harassment. Even though the court held that the appeal was barred by limitation, it still gave a remarkable symbolic order directing the Vice-Chancellor to include disclosure of this decision on all future official documentation of himself, including his curriculum vitae. This commentary will analyze the background of the case, the judicial rationale for holding as well as its implications for the evolution of jurisprudence in workplace harassment in India.

¹ *Vaneeta Patnaik v. Nirmal Kanti Chakrabarti & Ors.*, Civil Appeal arising out of SLP (C) No. 17936 of 2025, 2025 INSC 1106, decided on September 12, 2025 by the Supreme Court of India.

² Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14 of 2013, Acts of Parliament, 2013 (India) [hereinafter 'the PoSH Act'].

II. FACTS OF THE CASE

Prof. Vaneeta Patnaik, the Complainant, is a senior academic employed at NUJS, Kolkata,³ whereas Dr. Nirmal Kanti Chakrabarti, the Complainant's boss, became Vice-Chancellor (VC) of the University on July 3, 2019. The Complainant alleges that the VC perpetrated multiple acts of unwanted and inappropriate conduct upon her, from September 2019 until April 2023, including physical contact, sexual advances and threats, which had a dangerous effect upon her ability to progress in her career at NUJS.

The Complainant lodged her complaints against the VC with the Local Complaints Committee (LCC) on December 26, 2023. The LCC dismissed the complaints as being time-barred by Section 9 of the Prevention of Sexual Harassment (PoSH) Act,⁴ as the last instance of sexual harassment occurred in April 2023, with the Complainant lodging her complaints over eight months later and well in excess of both the three months prescribed or the six months permitted to lodge the complaints.

Therefore, the Complainant commenced a writ application at the Calcutta High Court challenging the LCC's rejection of the complaint. On May 22, 2024, a Single Judge of the Calcutta High Court quashed the order of the LCC, and concluded that the adverse administrative actions taken against the Complainant subsequent to the last incident of sexual harassment, including the Complainant's removal from a directorship in August 2023, had created a toxic work environment and that accordingly the limitation period in respect of the lodging of the complaints had accordingly been extended.

The Calcutta High Court, on December 23, 2024, a Division Bench overturned the Single Judge's decision and restored the LCC's order.⁵ According to the Division Bench's comprehension, the

³ West Bengal National University of Juridical Sciences Act, 1999 (West Bengal Act XII of 1999). NUJS is a premier national law university located in Kolkata, West Bengal.

⁴ Section 9, PoSH Act: "Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing. Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months..."

⁵ Dr. Nirmal Kanti Chakrabarti v. Vaneeta Patnaik & Ors., FMA No. 873 of 2024 (M.A.T. No. 1295 of 2024), Division Bench judgment dated December 23, 2024, High Court at Calcutta.

administrative decisions taken after 1st April 2023 were a collective decision made by the Board of the Council of Executives therefore cannot be classified as action of sexual harassment done solely by the acting Vice-Chancellor. The appellant sought approval from the Supreme Court through a Special Leave Petition.

III. ISSUES BEFORE THE COURT

The central issue before the Supreme Court was if the Calcutta High Court Division Bench was justified in dismissing the complaint based on limitation as prescribed by Section 9 of the PoSH Act. The issue of administrative retaliation taken after the last act of sexual harassment would also be addressed as a form of continuing sexual harassment and therefore would extend the period of limitation

IV. JUDGMENT AND REASONING

Justice Pankaj Mithal of the Supreme Court upheld the decision of the Division Bench who dismissed the complaint as time-barred. The Court has interpreted Sections 2(n) and 3(2) of the PoSH Act conjunctively⁶ to find that sexual harassment includes both direct physical acts and the circumstances arising from them. Thus, the circumstances arising out of sexual harassment would include threatened retaliation; however, for such circumstances to be considered ‘sexual harassment’ which would refresh the limitation period, there would have to be direct and proximate link between the complained of administrative action and the overt act of sexual harassment by the accused. The Court was unable to find any such direct link in this case. The removal of the Appellant from being a Director was the decision of the governing body of the University (the Executive Council) comprised of eminent figures of education, law practitioners and at least two current justices of the Supreme Court; therefore, it was not plausible that the Vice-Chancellor was able to provide any influence over this group to effectuate retaliation against the Appellant.

⁶ Sections 2(n) and 3(2), PoSH Act. Section 2(n) defines “sexual harassment” to include unwelcome acts or behaviour whether directly or by implication, including physical contact and advances, demand or request for sexual favours, making sexually coloured remarks, showing pornography, and any other unwelcome physical, verbal or non-verbal conduct of sexual nature. Section 3(2) additionally includes circumstances such as implied or explicit promise of preferential treatment, implied or explicit threat of detrimental treatment, implied or explicit threat about present or future employment status, interference with work, and creation of an intimidating, offensive or hostile work environment.

With respect to limitations, the Court underscored the mandatory nature of Section 9 of the PoSH Act as it relates to the extension of the limitation period. The Court points out that while the law allows for at least one extension of the limitation period of three months at the discretion of the LCC, there is nevertheless a maximum time frame of six months from the last incident within which to bring a complaint. Since the complaint was filed in excess of this maximum period, and no meritorious explanation was offered to explain the delay in filing the complaint, the jurisprudence established by the Supreme Court ruled that there were no bases for reversal of the dismissal of the complaint. While allowing the appeal, the Court made an unprecedented moral ruling regarding the Vice-Chancellor's obligation to disclose the judgment and its accompanied accusations in all subsequent documents issued by him or in his capacity as Vice-Chancellor. Although it could not be determined that the complaint would be decided on its merits, it determined that there must still be a record of the existence of these allegations and the proceedings to assist in creating public accountability even without a finding of guilt having been established.

V. CRITICAL ANALYSIS

The decision of the court raises numerous important legal and policy issues that should be addressed in depth. For example, while the court's textual interpretation of the limitation on filing a case set out in Section 9 is supported by the plain wording of the statute, it is likely to run counter to the PoSH Act's goal of being a "safe, accessible and effective mechanism for the redressal of workplace sexual harassment", particularly considering that complainants are often hesitant to report sexual harassment because of fear of retaliation, power differentials and institutional power structures. By keeping the six-month limitation period without allowing for judicial flexibility to account for these realities, it will effectively serve to render the PoSH Act's intended protections illusory for many women.

As a further example, the court's finding that post-incident retaliation constitutes non-continuing sexual harassment shows its restrictive doctrinal viewpoint. The court was correct in that there must be a direct connection between each administrative action and an act of sexual harassment;

however, the Court did not take sufficient account of the cumulative nature of workplace harassment. Specifically, workplace harassment is frequently formed by multiple events over time, including instances of retaliation, and can be determined to create a hostile workplace. Further, comparative jurisprudence, as applied under Title VII of the U.S. Civil Rights Act,⁷ expresses the continuing violation legal doctrine, which would suspend the applicable limitation period where harassment has been demonstrated to follow a pattern rather than be isolated. Third, and most strikingly, the Court's direction to have the allegations permanently noted in the Vice-Chancellor's service record is legally unprecedented and constitutionally precarious. It amounts to an informal sanction imposed without a finding of guilt, potentially violating the principles of natural justice and the right to reputation guaranteed under Article 21 of the Constitution.⁸ The observation that the allegations will 'haunt him forever' reflects a judicial impulse toward moral censure that, while perhaps understandable given the gravity of the allegations, sits uneasily with the foundational principle of presumption of innocence.

VI. CONCLUSION

The case of Vaneeta Patnaik v. Nirmal Kanti Chakrabarti & Ors. has provided insight into some of the difficulties and challenges associated with India's Prevention of Sexual Harassment Framework (PoSH). Although the Court has resolved the limitation period in an appropriate way, this case illustrates an urgent need for legislative reform to create a more humane and flexible limitation period for workplace harassment matters where complainants are in a position of institutional vulnerability relative to the accused. The respondent's unprecedented directive was issued in accordance with a moral approach but raises the issue of proportionality and procedural fairness. In considering the two aspects of the case, you have a reminder of how PoSH operates procedurally, as well as a challenge to the judiciary, the legislature and other institutions to align

⁷ Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986); National Railroad Passenger Corp. v. Morgan, 536 U.S. 101 (2002). In Morgan, the U.S. Supreme Court held that the continuing violation doctrine permits employees to bring claims for all acts that constitute a hostile work environment, so long as at least one act falls within the applicable limitations period. See also Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

⁸ Article 21, Constitution of India: "No person shall be deprived of his life or personal liberty except according to procedure established by law." The Supreme Court has consistently held that the right to reputation is an integral facet of Article 21. See Subramanian Swamy v. Union of India, (2016) 7 SCC 221; Umesh Kumar v. State of Andhra Pradesh, (2013) 10 SCC 591.

the laws governing anti-harassment in India with the realities experienced by those who have experienced such harassment.