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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3262/2026, CM APPL. 15726-15728/2026

PROF SUJATA ASHWARYA

.....Petitioner

Through: Ms. Mrinmoi Chatterjee, Advocate  
with Petitioner in person.

versus

JAMIA MILLIA ISLAMIA & ORS.

.....Respondents

Through: Mr. Prithish Sabharwal, Standing  
Counsel for JMI with Ms. Shweta  
Singh, Mr. Sanjeet Singh, Advocates.  
Mr. Rajesh Kumar, SPC with Mr.  
Naveen, GP for R-3 & 4.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**13.03.2026**

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1. The Petitioner is serving as a Senior Professor at Jamia Millia Islamia/Respondent No. 1 and has over two decades of service to his her. The matter before the Court concerns a workplace grievance which, in the ordinary course, ought never to have travelled beyond the administrative corridors of the Respondent University. However, a request relating to use of a restroom facility, raised by a woman employee in the context of hygiene and her stated medical difficulty, has been allowed to escalate into disciplinary proceedings. It is that escalation, rather than the underlying grievance alone, which has brought the Petitioner to this Court.

2. The Court has heard the Petitioner, who appears in person, her counsel, as well as counsel for the Respondents. From the record placed before the Court, it emerges that there exists a restroom facility in the Centre

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for West Asian Studies, which the Petitioner had been using. Access to that facility was later regulated by keeping it under lock and by making the key available only to some employees. The Petitioner's case is that, once this facility ceased to be treated as a restricted facility and became open to indiscriminate common use, the conditions of hygiene deteriorated, rendering it difficult for her to use the facility with dignity and comfort.

3. The Petitioner states that she addressed a complaint dated 17<sup>th</sup> December, 2024 to the University, seeking that one standalone restroom in the Centre be designated as a "Ladies Toilet", which, according to her, was consistent with the practice in other Centres in the same building and in various departments of the University. She further pointed out that the restroom in question had a western-style commode and that this was necessary for her use because of a knee condition which made squatting difficult.

4. The Petitioner's grievance gave rise to the present chain of events. The impugned action consists of the show cause notice dated 1<sup>st</sup> August, 2025, the notification dated 25<sup>th</sup> August, 2025 constituting a committee of faculty members to examine the matter, and the office order dated 2<sup>nd</sup> January, 2026 requiring the Petitioner to submit a written apology. The text of the order reads as follows:

**"OFFICE ORDER**

*Whereas Prof. Sujata Asnwarva, Centre for West Asian Studies, JMI, had submitted an application vide (FTS No. 898013) dated 30.07.2025 regarding reiteration of pending grievance, directly to the Registrar, JMI.*

*And whereas it had been observed that some of the content of the said application were objectionable which were supposed not to be used against the Statutory Officer of the University which amounts to misconduct as well as insubordination on your part.*

*And whereas as per University Circular dated 29.04.2019 and*



09.05.2019, it has been reiterated that all correspondence to the prescribed proper channels.

And whereas, the Competent Authority, JMI, has viewed the reported act of misconduct and insubordination on the part of Prof. Sujata Ashwarya, Centre for West Asian Studies, JMI, for submitting her application through proper channel and using objectionable contents against Statutory Officer of the University which is in violation of CCS (Conduct) Rules as well as University Conduct Rules.

And whereas, a Show Cause Notice dated 01.08.2025 was issued to Prof. Sujata Ashwarya to explain in writing the reasons for not following the established official procedure to submit any communication to the University authority and using objectionable contents within a week from the date of issue of Show Cause notice.

And whereas, a committee was constituted to examine the reply of show cause notice submitted by Prof. Sujata Ashwarya, Centre for West Asian Studies, JMI.

And whereas, the committee has unanimously agreed and recommended that you must submit a written apology to the Competent Authority for not following the established official procedure for official communication and using objectionable language against statutory official.

Now, therefore, the Competent Authority, JMI, while accepting the recommendations of the Committee dated 16.10.2025, has approved to ask you to submit a written apology for the aforementioned misconduct.”

5. A reading of the impugned material shows that the University has taken exception less to the substance of the grievance and more to the manner in which it was raised. The Petitioner has been faulted for not following the “proper channel” while addressing her communication to the Registrar. Reliance has been placed on University circulars as well as DoPT instructions concerning official correspondence. The tenor of the show cause notice further suggests that the University viewed the Petitioner’s act of pursuing this grievance as amounting to misconduct and insubordination, and also considered parts of her complaint objectionable *vis-à-vis* the statutory officers of the University.



6. The matter did not stop there. A four-member committee was constituted to consider the Petitioner's reply to the show cause notice. That process culminated in the office order dated 2<sup>nd</sup> January, 2026, by which the competent authority accepted the recommendation of the committee and called upon the Petitioner to submit a written apology for not following the prescribed channel of communication and for using objectionable language against a statutory officer.

7. In the opinion of the Court, the entire course adopted by the Respondent University is deeply unfortunate. A grievance relating to access to a hygienic restroom at the workplace, especially when raised by a woman employee who also asserts a physical difficulty in using certain types of facilities, is not a matter to be trivialised. Equally, it is not a matter to be converted into a question of institutional discipline at the first instance. Universities are not merely administrative establishments. They are places expected to exhibit maturity, fairness and sensitivity in dealing with human concerns arising within their own precincts.

8. The Court is conscious that no employee can claim licence to disregard institutional discipline, nor can official communications be couched in language that is discourteous or imputative. Decorum in institutional functioning serves an important purpose. At the same time, the insistence on channel, form and hierarchy cannot become so rigid that it overwhelms the substance of a grievance which plainly touches dignity, hygiene and humane working conditions. A complaint of this nature called for engagement, not escalation.

9. The University's response, as reflected in the impugned action, appears to have lost sight of that distinction. Even assuming that the



Petitioner's communication could have been more measured in expression or routed differently, the proportionate institutional response ought to have been to address the grievance, counsel the employee if required, and bring the matter to rest. What has happened instead is that a workplace concern has been transmuted into a disciplinary proceeding and, ultimately, into a command that the Petitioner must apologise. That course, in the view of the Court, is plainly unsustainable.

10. An apology, to retain any meaning, must be voluntary. It cannot be extracted through office orders. Still less can it be imposed as the institutional answer to a grievance concerning access to a basic and hygienic facility at the workplace. A direction to apologise in such circumstances carries the unfortunate suggestion that the raising of the grievance itself was the wrong. That is where the University, in the view of the Court, clearly adopted an untenable course.

11. The matter must also be seen in its proper constitutional and institutional setting. A safe and secure environment for women at the workplace is not to be understood in a narrow sense. It includes conditions that enable them to work with dignity, decency and due respect. Access to clean, usable and dignified restroom facilities is part of those elementary working conditions. It is not for this Court to prescribe the precise modality by which the University should manage or allocate its restroom facilities. That lies within the administrative domain of the institution. But it is very much for this Court to say that a grievance of this nature ought not to be met with punitive formalism.

12. For the reasons recorded above, this Court is satisfied that the impugned show cause notice dated 1<sup>st</sup> August, 2025, the notification dated



25<sup>th</sup> August, 2025 constituting the committee, and the office order dated 2<sup>nd</sup> January, 2026 directing the Petitioner to tender a written apology are unsustainable, inasmuch as they disclose a manifestly disproportionate response to her grievance, proceed on an unduly formalistic view of procedural discipline in a matter involving hygiene and dignity at the workplace, and culminate in a direction to apologise, which, in the facts of the case, cannot be justified in law. The said actions are accordingly quashed and set aside.

13. The University is directed to consider and address the Petitioner's grievance afresh, as an administrative matter, with due sensitivity to hygiene, privacy, dignity and her stated medical condition. This exercise be undertaken by the competent authority and completed within four weeks from today.

14. It is clarified that this Court has expressed no opinion on the precise manner in which the restroom facility is to be regulated or utilised. That is for the University to decide in a fair, workable and sensitive manner.

15. Until such decision is taken, the University shall ensure that the Petitioner is not left without access to a hygienic and reasonably suitable restroom facility, bearing in mind the health difficulty asserted by her.

16. The writ petition is allowed in the above terms. Pending applications, if any, stand disposed of.

**SANJEEV NARULA, J**

**MARCH 13, 2026/ab**