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

+ **W.P.(CRL) 646/2016**

SWATI SOLANKI & ANR

..... Petitioners

Represented by: Petitioner Nos.1 & 2 in person

versus

**B R SUR HOMOEOPATHIC MEDICAL COLLEGE, HOSPITAL
AND RESEARCH CENTRE (GOVERNMENT OF NCT DELHI)
& ORS**

..... Respondents

Represented by: Ms. Nandita Rao, ASC with
WSI:Brahmo Devi, PS:South
Campus, New Delhi

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.09.2016

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The present petition is filed by the petitioners with the following prayers:

- “1. For the protection of fundamental rights of the petitioners;
2. For declaring the sexual harassment committee, its reports and its actions to be contrary to law and thus null and void;
3. For issuance of such order/orders about transfer of the respondents from the institution or providing P-1 migration;
4. For summoning the documents related to this matter to the court and examining them for gross anomalies;
5. For ordering an independent inquiry in the matter of sexual

harassment as well as the role of respondents under observation of the Hon'ble Court;

6. For declaring the memorandum by R-1 and R-2 against P-2 null and void;

7. For issuing directions about arresting the respondents and making a legal trial against them and their partners in crime under provisions of IPC, Sexual harassment Act and any other act and rule applicable.”

Petitioner No.1 filed a complaint of sexual harassment at workplace with the competent authority of respondent No.1, which constituted a committee under “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”. The committee inquired into the matter and submitted its report, concluding that the allegations levelled by the petitioners against Srijan Jaipuriya were baseless. A copy of the report is at pages 50 to 57 of the paper-book. Aggrieved by the said report, the petitioners filed the present petition with the prayers as noted above.

On a notice being issued, a short affidavit has been filed by respondent Nos.1 to 8. As per the said affidavit, it is submitted that, vide Officer Order dated 2nd April, 2016, Dr. Surender Verma, the then Principal of respondent No.1 college, in supersession of its previous orders regarding nomination of Sexual Harassment Committee, has constituted a new committee. One of the members of that Committee, i.e., respondent No.5, Ms. Taw Nana, is from an NGO “Apne Aap Women Worldwide”. The affidavit also states that the earlier report of the Committee dated 7th

October, 2015, which found the allegations of petitioner No.1 of sexual harassment as baseless, was required to conduct a *de novo* inquiry. However, in the said inquiry also, the petitioner No.1 did not cooperate and thus a report was submitted on 4th May, 2016. The said report is pending consideration before the Principal of respondent No.1 college.

During the course of arguments, petitioner No.2, who appears in person, states that the Office Order dated 2nd April, 2016 was issued by one Dr. Asha Chowdhry, Head of Office, against whom petitioner No.1 has also levelled allegations. As noted above, Dr. Asha Chowdhry is only an officer communicating order of the competent authority, i.e., the Principal of respondent No.1 college, who has nominated the committee, as noted above.

Considering the facts and circumstances of the case that the earlier report was held to be void and a fresh committee was constituted and on the complaint of the petitioners with which committee the petitioner No.1 did not cooperate, which is still pending consideration before the Principal of respondent No.1 and if the petitioner No.1 so desires can seek redressal of her grievance from him within a reasonable time of four weeks and FIR under Section 154 IPC has been registered by the Police at PS:South Campus, New Delhi which is being investigated, I find no reason to further entertain the present petition.

The petition is dismissed as no further orders are warranted from this Court.

MUKTA GUPTA, J.

SEPTEMBER 22, 2016
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