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

+ W.P.(C) 2932/2015 & CM Appl. 5244/2015

SMT. SUSHIL KUMARI BHATIA Petitioner
Through: Mr. Rajiv Kumar Ghawana, Adv.

versus

A & U TIBBIA COLLEGE & HOSPITAL AND ORS

..... Respondents
Through: Mr. Naushad Ahmed Khan, ASC,
GNCTD with Ms. Astha Nigam, Adv. and Ms.
Kiran Wadhera, Office Superintendent

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **05.02.2016**

The present writ petition has been filed with the following prayers:-

“a) issue a writ, order or direction directing the respondents to place before this Hon’ble Court and also make available to the petitioner the inquiry report submitted by Dr.Anil Kumari along with entire proceedings of the inquiry conducted by her; and

b) issue a writ, order or direction in the nature of writ of certiorari quashing the office order dated 16.12.2014 whereby a new committee was appointed under the Chairmanship of Dr.Mridula Pandey despite the fact that the earlier committee under the Chairmanship of Dr.Anil Kumari had already concluded the inquiry and submitted her report to the Competent Authority; and

c) issue writ, order or direction directing the respondents to accept the report submitted by the committee constituted under the Chairmanship of Dr.Anil Kumari and to take

appropriate action in accordance with said report and also as per law; and

d) pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

Learned counsel for the petitioner states that it was not open to the respondents to appoint another Committee under the Chairmanship of Dr. Mridula Pandey when the earlier Committee under the chairmanship of Dr. Anil Kumari had already concluded the inquiry into the allegations of sexual harassment and submitted its report to the competent authority.

In support of his contention, learned counsel for the petitioner relied upon the letter dated 24th February, 2015 issued by Mr. Sant Kumar, Head of Office, A & U Tibbia College & Hospital, Karol Bagh, New Delhi. The said letter reads as under:-

"Sub: Complaint against Dr.K.K.Sijoria, professor received from Smt. Sushil Kumari Bhatia, ANM.

Reference to the request of Smt. Sushil Kumari Bhatia vide letter dated 09.02.2015 regarding provide inquiry report submitted by Dr.Anil Kumari.

It is hereby informed that the report of Dr.Anil Kumari has not been accepted by Spl. Secretary (AYUSH) and further new committee is constituted under the chairmanship of Dr.Mridula Pandey. Inquiry report cannot provide to the complainant unless accepted by competent authority and she is requested to co-operate with the committee for proper & unbiased investigation

This issue with the approval of Competent Authority."

On the last date of hearing, this Court had directed learned

counsel for the respondents to produce the original file pertaining to the inquiry report.

Learned counsel for the respondents has today produced the original files.

Learned counsel for the petitioner has also inspected the same.

The admitted position that emerges is that Dr. Anil Kumari had not submitted any final inquiry report pertaining to the sexual harassment allegations.

Consequently, in the opinion of this Court, none of the prayers asked for in the present writ petition can be granted. Accordingly, the present writ petition is dismissed.

MANMOHAN, J

FEBRUARY 05, 2016
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