

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7295 of 2016

=====

Anil Kishore Yadav Son of Late Sileti Singh resident of 101, Type-v, Block-1, Allms Residential Campus, Khagaul, P.S.- Phulwarisharif, District-Patna Presently Posted as Deputy Director Administration, All India Institute of Medical Sciences, Patna

... .. Petitioner

Versus

1. The Union Of India through the Secretary, Ministry of Health and Family Welfare, Govt. of India, Nirman Bhawan, New Delhi
2. All India Institute of Medical Sciences, Patna through the President of the Institute, Nirman Bhawa
3. The Director, All India Institute of Medical Sciences, Patna, P.S.-Phulwarisharif, District-Patna
4. Dr. Girish Kumar Singh Director of All India Institute of Medical Sciences, Patna, P.S.-Phulwarisharif, District-Patna
5. The Anti-Sexual Harassment Committee of All India Institute of Medical Sciences Patna through its C
6. Mrs Veena Saxena Wife of Sri Ankur Johri, Office Assistant (Outsourced) resident of Flat No. 111, Type-111, AIIMS, Patna P.S.-Phulwarisharif, District-patna

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Pushkar Narayan Shahi, Sr. Advocate Mr. Mritunjay Kumar
For the Respondent/s	:	Mr. S.D Sanjay Addl. Soc. Gen. Mr. A.B.Mathur, CGC

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 20-02-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent Union of India.

The writ petition is filed challenging constitutions of the Sexual Harassment Committee by Office Order dated 11.4.2014 as being not in accordance with law.

Counter affidavit has been filed by the respondent Institute. The specific stand of the respondents in para 6 and 7 of the counter affidavit is as follows:-



“6. That the constitution of the Committee and also the nature of the complaint of the Complainant was considered. It was also considered that the writ petitioner has already been repatriated in his Parent Department and is no more posted at AIIMS Patna. The grievance of biasness was also considered and reviewed.

7. That after consideration of entire facts and the legal position it has been decided by the competent authority to withdraw the Show Cause Notice issued against the writ petitioner and to drop the proceeding against the petitioner without prejudice to any further action. Bases on this decision a communication to this effect is being made to the petitioner vide letter dt. 16.02.2019 despatched through Speed Post No. EF356714505IN, dated 18.02.2019.”

In view of the said stand taken by the respondent Institute, Senior Counsel appearing for the petitioner submits that he would not press this writ application as the show cause issued by the Committee constituted under Office Order dated 11.4.2014 has already been withdrawn.

Respondent No. 6, who claims to be complainant against the petitioner, has appeared today *suo motu* and submitted that subsequently the Committee has been constituted in accordance with law in March 2016.

Since the issue of constitution of the Committee of the year 2016 is not subject of the instant proceeding, at the moment



this Court will not express any opinion on the same. It will be open to the parties to proceed in accordance with law in the matter if required.

The writ petition stands disposed of.

(Madhuresh Prasad, J.)

SNkumar/-

U			
---	--	--	--

