

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.555 OF 2019

Amarendra Pratap Singh	...	Petitioner
versus		
Union of India and Ors.	...	Respondents

Mr.Y.K.Sharma with Ms.Pranati Mehra
for the Petitioner.

Mr.Mihir Desai, Senior Advocate with
Arsh Mishra i/b M.V.Kini & Co. for
Respondent Nos.2 to 8.

Ms.Rouble Sorkkar i/b Ms.Veena Gowda
for Respondent No.9.

**CORAM :- S. C. DHARMADHIKARI &
G.S.PATEL, JJ.**

DATE :- AUGUST 20, 2019

P.C. :-

1. The petitioner has filed this writ petition against the Indian Institute of Technology for withholding the document. The document that has been withheld is the Philosophy Degree Certificate of the petitioner. That was withheld on the ground that there is a complaint, which is made against the petitioner and invoking the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. So long as these proceedings are pending, the Degree Certificate can be withheld is the stand of the Indian Institute of Technology.

2. The complainant/respondent No.9 is also represented by an advocate before us.

3. On previous occasion, we had passed an detailed order. That is reproduced for ready reference.

“1. After this writ petition was argued for some time in the pre-recess session, post-recess Mr.Sharma, learned Counsel appearing for the petitioner, after speaking to the petitioner, stated before us that the petitioner is ready and willing to add the following sentence to his apology in the writing dated 5-8-2018:

“I further say that I had no intention to insult any woman, much less Prof.Sreekumar, individually or as a woman”.

2. Mr.Desai, learned Senior Counsel, appearing on behalf of respondent Nos.2 to 8, says that he will have to take instructions before the matter can be closed.

3. To enable Mr.Desai to take instructions and for us to pass the final order based on the statement made today, we place this writ petition on 20-8-2019.”

4. After that order was passed, the petitioner has formally forwarded the apology. That apology is accepted by the Indian Institute of Technology as also respondent No.2/original complainant. The proceedings in relation to this complaint come to an end with acceptance of this apology.

5. Once the parties have mutually resolved this whole issue and no proceedings are now going to be taken in pursuance of the mandate of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, then, while directing the second respondent to issue the Degree Certificate, we also clarify that no proceedings in relation to this complaint are now pending before any internal committee or other forum at the instance of respondent No.9. Needless to clarify that in the light of the acceptance of the apology and mutual closure of the proceedings, this Court was not required to express any opinion on the rival contentions, particularly on the merits of the allegations. Since the apology in terms recorded in this Court's earlier order is acceptable to respondent Nos.2 and 9 and the petitioner has expressly agreed to give it in that form, needless to clarify that on receipt of such written apology from the petitioner, the Degree Certificate shall be issued by respondent No.2.

6. The writ petition stands disposed of in the above terms.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)