

10 15-09-2022
AKG
Ct. 238

WPA 20837 of 2022
Dr. X
Vs.
St. Xavier's University & Ors.

Ms. Jhuma Sen
...for the Petitioner
Mr. Swapan Kr. Datta,
Mr. Tapas Kr. Mandal
...for the State
Mr. Partha Sarathi Sengupta,
Mr. R. N. Jhunjhunwala,
Mr. Debdatta Sen,
Mr. Mohit Gupta,
Mr. R. K. Patodia,
Ms. Megha Agarwal
...for the Respondent Nos. 1 to 4.

Petitioner has filed this writ petition without disclosing her name in the cause-title.

It has been submitted by the learned advocate appearing for the petitioner that there are many statutes, which provide for conducting a trial without disclosing the name of the victim lady. She mentions the trial for commission of an offence under Section 376 of the Indian Penal Code, 1860 and some other statutes relating to sexual offences.

It cannot be denied that in the cases relating to sexual offences, the disclosure of the identity of the victim lady during the course of the trial may cause further victimization to her.

There also may be other facts and circumstances, which may justify non-disclosure of the identity of a litigant to maintain his privacy.

At the same time, it should be borne in mind that litigation before a Court is conducted usually in open Court. The Court should function in a manner as transparently as possible. The Court should allow a litigant to conduct the litigation without disclosing the identity only as and by way of exception.

In the present case, the principal grievance of the petitioner relates to her resignation from the relevant post. It is a service matter.

In my view no justification has been shown by the petitioner to proceed with this writ petition without disclosing her name.

In that view of the matter this writ petition being WPA 20837 of 2022 is dismissed being not in form. This, however, will not prevent the petitioner from filing a fresh writ petition for the selfsame cause of action.

Let urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)