



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

% **Judgment reserved on : 06 November 2023**
Judgment pronounced on: 08 November 2023

+ **CONT.CAS(C) 927/2019**

ANUPAMA KHANNA

..... Petitioner

Through: Mr. Ankit, Adv.

versus

**INDRAJIT SETH, CHAIRMAN MANAGING COMMITTEE
DELHI PUBLIC SCHOOL**

..... Respondent

Through: Mr. Puneet Mittal, Sr. Adv.
with Ms. Sakshi Mendiratta,
Adv.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

J U D G M E N T

DHARMESH SHARMA, J.

1. This judgment shall decide the instant petition under Section 11 and 12 of the Contempt of Courts Act, 1971¹ read with Article 215 of the Constitution of India, preferred by the petitioner against the respondent, the then Chairman of Delhi Public School, Mathura Road, New Delhi, for non-compliance of the order dated 16.04.2019 passed by this Court in Writ Petition (Civil) No. 2657/2019.

2. Shorn of unnecessary details, the petitioner alleged that she was subjected to sexual harassment at her workplace at the hands of the respondent, who was exonerated of all charges by the Internal

¹ CC Act



Complaints Committee pursuant to which the petitioner filed Writ Petition (Civil) 2657/2019 seeking following reliefs:

- "(a) Issuance of writ of mandamus or any other appropriate writ, direction or order whereby quashing the report of the Internal Complaints Committee dated 08.06.2018;
- (b) Issue a writ of mandamus or any other appropriate writ, direction or order prohibiting the Respondent No.2 from supervising, assigning or assessing the work of performance of the Petitioner during the pendency of the complaint of sexual harassment at workplace u/s 9 of the Act of 2013;
- (d) Issue a writ of mandamus or any other appropriate Writ, Order or Direction the Respondent No.1 School thereby prohibiting the said Respondent from reflecting the memos served upon the Petitioner by the Respondent No.2 pursuant to the complaint u/s 9 of the Act of 2013 dated 22.01.2018 instituted by the Petitioner against the Respondent No.2;
- (e) To issue Writ or Mandamus or any other appropriate Writ, Order or Direction thereby awarding compensation and damages for the continuous mental harassment subjected to the Petitioner by the Respondent No.1 School at behest of the Respondent No.2 as well as for contravening the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act rules 2013;
- (f) To issue guidelines pertaining to instances of Mental Harassment at workplace arising directly or indirectly from instances of Sexual Harassment at Workplace;
- (g) To issue Writ of Mandamus or any other appropriate Writ, Order or Direction thereby directing the Respondent No. 1 School to award costs to the Petitioner for the cost of litigation borne by the said Petitioner.
- (g) Pass any such other order or direction as the Court may deem fit and proper grant inlight of the facts and circumstances of the present case."

3. The matter came up for final hearing on 16.04.2019 and after the arguments were addressed by the learned counsel for the parties the petitioner was afforded an opportunity to file an appeal under Section 18 of The Sexual Harassment of Women at Workplace



(Prevention, Prohibition & Redressal) Act, 2013² within four weeks of the said order. Further, insofar as above mentioned relief (e) was concerned, liberty was given to the petitioner to seek appropriate relief under the Act or by filing a civil suit, as may be appropriate. With regard to above mentioned relief (f), the petitioner was given liberty to approach the Division Bench vested with PIL jurisdiction, if so advised. Further directions were passed, which are extracted as under:-

“5. Learned counsel for the petitioner further submits that the petitioner filed W.P.(C) 1262/2018 in which this Court vide order dated 12th February, 2018 directed the Directorate of Education to consider the petitioner's representation dated 07th October, 2017 and decide the same within 12 weeks. It is submitted that the Directorate of Education has communicated the order dated 14th March, 2019 to the petitioner. It is submitted that respondent No.1 be directed to comply with the order dated 14th March, 2019 passed by the Directorate of Education.

6. Learned senior counsel for respondent No.1 submits that the order dated 14th March, 2019 is being examined by respondent No.1 and respondent No.1 shall take appropriate decision with respect to the order dated 14th March, 2019 within a period of three weeks from today.

7. The writ petition is dismissed as withdrawn with liberty as prayer for. If the petitioner files an appeal against the report of ICC dated 08th June, 2018 under Section 18 of Act within four weeks, the Appellate Court shall consider the same on merits. The petitioner is at liberty to urge all the contentions the Appellate Court. With respect to order dated 14th March, 2019, the respondent No.1 shall take a decision within four weeks. However, if no legal remedies are availed in respect of order dated 14th March, 2019 within four weeks, respondent No.1 shall comply with the order dated 14th March, 2019.

8. Pending application is disposed of.

9. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.”

² The Act



4. In the aforesaid backdrop, the petitioner filed the instant Contempt Petition and it is submitted that the Directorate of Education vide order dated 14.03.2019, while deciding the representation of the petitioner dated 07.10.2017, has passed certain directions against the School Management to ensure that :

- “1. There shall not be undue, unreasonable and arbitrary harassment to Ms. Anupama Khanna by any functionary of the School including the Principal of the School;
2. The adverse entry in the ACR's of. Ms Anupama Khanna for 2016-2017 shall be removed/expunged.
3. Any Inquiry/action against any of the employee of the school shall be processed in a just, transparent and unbiased manner.”

5. To state the grievance of the petitioner, the ACR notings pertaining to the year 2016-17 are imperative to be expunged in the light of the order of the Directorate of Education dated 14.03.2019 since such notings impose blemish on her services rendered by her in the institution, and it is pointed out that she has filed Service Writ Petition (Civil) No. 8394/18, *sub judice* before another Bench, wherein she is challenging departmental promotion of another teacher in the institution. Hence, alleging that respondent No.1 has deliberately and wilfully flouted and disobeyed the order dated 16.04.2019, it is prayed that respondent be punished suitably.

6. On notice to the respondent, a short affidavit has been filed by Ms. Reema Sharma, Principal-cum-Manager, Delhi Public School, Mathura Road, New Delhi, in which *inter alia* it is pointed out that Mr. Inderjeet Seth, the then Chairman of the School, has since expired on 23.03.2022 and the then Principal Mr. Manohar Lal stands superannuated on 31.03.2019; and that she is in-charge as Principal-



cum-Manager of the School w.e.f. 17.01.2022. It is stated by Ms. Reema Sharma that the directions dated 16.04.2019 passed by this Court in W.P. (C) 2657/2019 have been complied with in letter and spirit and the School Management has duly responded vide its letter dated 24.04.2019 to the Directorate of Education with regard to its order dated 14.03.2019 and they have not received any query thereafter.

DECISION:

7. Having heard the learned counsel for the parties, *ex facie* the present Contempt Petition does not survive. In the first place, both the Chairman as well as the Principal against whom allegations were levelled, have since passed away. Needless to point out that the initial writ proceedings culminating in order dated 16.04.2019 were by all means *in personam* against the contemnors(s). Secondly, although respondent has not placed a copy of the ACR of the petitioner for the period 2016-17 in terms of direction dated 15.11.2022 of this Court, however, it is pointed out by the learned Senior Advocate appearing for the respondent School that they have already filed their detailed replies along with a short affidavit and it is specifically stated that there are no adverse entries in the ACR of the petitioner for the year 2016-17, and therefore, question of expunging any adverse remarks does not arise. Since there are no adverse remarks in the ACR, the question of filing its copy would be meaningless. Evidently, the said order stands substantially complied with.

8. In response to the aforesaid submission, the learned counsel for the petitioner vehemently urged that the petitioner is still facing



harassment while discharging her duties. In light of the arguments made above, it is observed that the contempt proceedings cannot be kept open perennially and there is nothing to discern that there is any wilful default or disobedience to the directions of the Court in terms of the order dated 16.04.2019.

9. In view of the foregoing discussion, the instant petition is dismissed.

DHARMESH SHARMA, J.

NOVEMBER 08, 2023

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