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

+ **W.P.(C) 17027/2024**

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.....Petitioner

Through: Ms. Manvi Dikshit Sharma,  
Advocate.

versus

**THE MOTHERS INTERNATIONAL SCHOOL & ORS.**

.....Respondents

Through: Mr. Rajive Maini, Ms. Shriya Maini  
and Mr. Neeshu Chandpuriya,  
Advocates for R-1 to 3.  
Counsel for Respondent No. 4.  
(*Appearance not given*).  
Ms. Latika C., Advocate for R-5.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

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**10.12.2024**

1. The Petitioner was employed as a Trained Graduate Teacher (Hindustani Vocal Classical Music) with Respondent No. 1 on 1<sup>st</sup> July, 2013. She alleges that Respondent No. 4, a *tabla* teacher at the same institution, harassed and misbehaved with her. In this regard, the Petitioner lodged a written complaint dated 8<sup>th</sup> March, 2024, with the school management, including Respondents No.2 and 3 (the Principal and Chairman of Respondent No. 1, respectively), requesting action to ensure a safe working environment, as mandated under the Sexual Harassment of



Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The Petitioner asserts that her complaint went unheeded as Respondent No.2 failed to take any action. Consequently, she contends that the hostile work environment compelled her to tender her resignation on 30<sup>th</sup> June, 2024, even though she served the notice period in compliance with the school's policies.

2. The Petitioner has annexed to the writ petition a communication dated 20<sup>th</sup> March, 2024, purportedly signed by Respondent No.4, which, according to her, constitutes an apology admitting to the allegations of harassment. She relies on this document to substantiate her grievances.

3. In the afore-noted background, the Petitioner has now filed the instant petition seeking the following reliefs:

- “a) Issue a writ of mandamus directing the Respondents to reinstate the Petitioner to her former position without loss of seniority or benefits.*
- b) Direct the constitution of a special inquiry committee under the supervision of this Hon'ble Court to investigate the Petitioner's complaints under the POSH Act and take appropriate action against Respondent No. 4 and any others found responsible for the harassment.*
- c) Grant compensation to the Petitioner for the mental agony, humiliation, and emotional distress caused by the harassment and subsequent forced resignation.*
- d) Direct the Respondents to pay the costs of this petition, along with any other relief this Hon'ble Court deems fit and proper in the interest of justice.”*

4. Under prayer (a), the Petitioner seeks reinstatement to her former position and protection of her seniority on the premise that her resignation was coerced due to harassment. However, such claims fall within the jurisdiction of the Delhi School Tribunal under Section 8(3) of the Delhi



School Education Act, 1973.<sup>1</sup> In view of the alternate statutory being available for adjudicating service disputes concerning school employees, this Court, declines to exercise extraordinary writ jurisdiction under Article 226 of the Constitution of India.

5. With respect to prayers (b) and (c), it is noted that Respondent No. 4, the individual against whom the allegations of harassment are primarily directed, retired from service on 31<sup>st</sup> January, 2024. The Petitioner's prayer for the constitution of a special inquiry committee under the POSH Act to investigate the complaints is, therefore, rendered infructuous. Moreover, while the Court acknowledges the Petitioner's grievances, the grant of compensation, as sought in prayer (c), would necessarily require adjudication of disputed questions of fact, including the veracity of the allegations of harassment, the apology letter, and the purported inaction of the school management. Such adjudication lies outside the writ jurisdiction of this Court and must be pursued before the appropriate forum.

6. It is further noted that counsel for Respondents No.1 to 3 has placed reliance on a communication dated 20<sup>th</sup> March, 2024, wherein the Petitioner purportedly stated that she had accepted the apology tendered by Respondent No. 4.

7. Be that as it may, the Court finds that the instant writ petition is not the appropriate remedy for the reliefs sought by the Petitioner. As noted above, this Court is not inclined to exercise its extraordinary jurisdiction in the matter, as alternative and efficacious remedies are available to the Petitioner.

8. In view of the above, the present writ petition, along with pending

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<sup>1</sup> See also, *Shashi Gaur v. NCT of Delhi*, (2001) 10 SCC 445



applications, is dismissed. The Petitioner is granted liberty to pursue her remedies before the appropriate forum in accordance with the law.

9. Disposed of.

**SANJEEV NARULA, J**

**DECEMBER 10, 2024**

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