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

+ W.P.(C) 1013/2021, CM APPL. 34557/2021 & CM APPL. 35467/2021

SHAILY GAUR

.....Petitioner

Through: Md. Irshad Hanif with Mr. Virender Maurya, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Farman Ali, Advocate for R1.
Mr. Vinay Mohan Sharma, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **08.01.2026**

1. The instant writ petition is for the following relief:

“a. Issuance of a writ of certiorari or any other appropriate writ(s), order(s) or direction(s) in the nature thereof to quash the Office Order dated 18.08.2020 issued by the Respondent No. 2 forming an illegal and conflict-ridden ICC in complete violation of POST Act; and

b. Issuance of a writ of mandamus or any other appropriate writ(s), order(s) or direction(s) in the nature thereof to direct the Respondent No.1 and Respondent No. 2 to ensure that the complaint of sexual harassment filed by the Petitioner is investigated impartially by constituting a fresh, unbiased ICC preferably consisting of presiding officer and members above joint secretary level from another ministry.”

2. During the pendency of the petition vide office order dated 29.09.2021, the respondents have reconstituted Internal Complaints Committee (ICC) under the Sexual Harassment of Women at work place



(Prevention, Prohibition and Redressal) Act, 2013 [‘ICC POSH Committee’] with the following composition:

- (i) Mrs. Sunita Verma, Scientist-G, MeitY – Presiding Officer
- (ii) Mr. Puneet Dhawan – Member
- (iii) Ms. Sheeja Suresh – Member
- (iv) Mrs. Deepika Panwar – Member
- (v) Ms. Surbhi Sharma – External Member

3. During the course of hearing, learned counsel appearing for the petitioner points out that, the Presiding Officer is much below the rank of the officer against whom the allegations are made; the officer whose name finds place at Sl.No. (iv) happens to be a witness in a matter where similar allegations were made against the same officer and; the committee member whose name finds place at Sl.No. (iii) is a contractual employee.

4. In order to put quietus to the instant controversy, learned counsel appearing for the respondent no.2, without prejudice, submits that there is no difficulty in reconstituting the committee. He submits that a list of the officers who may be appointed as members of the committee can be shared with the petitioner, and thereafter, the petitioner may choose the officers who should be comprise the ICC, POSH Committee. The said submission seems to be reasonable, and accordingly, the instant petition stands disposed of with the following directions:

- (i) Let the petitioner to approach respondent no.2 along with the copy of this order within a period of fifteen days from today.
- (ii) Thereafter, respondent no.2 to share the names of the officers who can be appointed as a member of the ICC POSH Committee and in consultation with the petitioner, let the ICC POSH Committee be reconstituted.



(iii) Reconstitution notification shall be issued immediately thereafter without any undue delay.

5. The aforesaid arrangement is without prejudice to the rights and contentions of the parties and will not be an expression on the merits of the allegations made in the petition.

6. Pending applications shall also stand disposed of.

PURUSHAINdra KUMAR KAURAV, J

JANUARY 8, 2026

tr/amg