

(2014) 09 DEL CK 0379

In the Delhi High Court

Case No : Writ Petition (Criminal) No. 1889 of 2014

Nisha Priya Bhatia

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 19-09-2014

Acts Referred:

Citation : (2014) 145 DRJ 396 : (2014) 4 KCCR 2971

Hon'ble Judges : G. Rohini, C.J;Pradeep Nandrajog, J

Bench : Division Bench

Advocate : Sanjay Jain, Additional Solicitor General and Kirtiman Singh,
Advocate for the Respondent

Judgement

1. The petitioner was a member of the 1987 Batch of Executive Cadre Class I Officers under the Research and Analytical Wing until the year 2009, when she was compulsorily retired from service under a service rule which empowered the employer to retire from service a member of the service who "exposes" herself. As per the petitioner she was the victim of a conspiracy hatched against her by senior officers who were running a prostitution racket and were pushing her into the same. The petitioner has named a few officers in the annexures filed with the writ petition, which are the representations made by her to various authorities; and pleadings in Courts.

2. Concerning the relief prayed for in the writ petition, grievances of the petitioner concerns the orders passed by a Bench of the Hon"ble Supreme Court in two Petitions seeking Special Leave to Appeal, a Review Petition and a Writ Petition filed before the Hon"ble Supreme Court, which were dismissed by the same Bench.

3. The petitioner claims that as a result of the orders passed by the Bench of the Supreme Court, the favourable verdict which she has obtained from the Central Administrative Tribunal, requiring her to be reinstated in service are being frustrated and the effect thereof, as claimed by her, is that she would be

compelled, due to paucity of money, to earn money by selling her body.

4. She thus pleads that it is a case of sexual harassment by the concerned Bench of the Hon'ble Supreme Court. The petitioner has annexed various representations made by her to all and sundry. She also ropes in as conspirators a former Additional Solicitor General of India and a respected senior lady lawyer practising in the Supreme Court.

5. A perusal of the petition and the annexures would evince a strong belief held by the petitioner that her employer has wronged her; and it is a trait of such persons, who strongly believe that they are wronged by others, to target all those whom they think are wrong in not accepting what they say. The pleadings in the writ petition are a reflection of the petitioners feeling of being persecuted. In the absence of any facts which support such perceptions, the statements in the petition and the representations are a highly developed and organized set of beliefs, which lack any basis in fact and are without any objective evidence or rational argument. With passage of time the tenor of the representations to various authorities and pleadings in various proceedings filed by the petitioner have moved from persistence and have entered the zone of insolence. Four phrases which such behaviourly affected persons are used: (a) You are biased: this accusation is against the Judge, and we find a liberal sprinkling of this in the complaints lodged by the petitioner complaining that Judges are not paying any heed to her. (b) I have a right to justice. By this the petitioner means: "I have a right to get my way", (c) What about my human rights? This appeal is not specific to any instance or a fact. It is used more in the nature of a catch-all phrase to convey a message to the Judge: "Surely there is a principle of law that can help me and you better find it for me"; and (d) "Conspiracy" and "Corruption" referring to the Court the favourite words used include the two.

6. The difference between "assertion" and "evidence" is lost. Given the petitioner's fixation to her beliefs she evinces the trait of increasingly turning to making a grandiose list of complaints and accompanying insults. The anger and contempt has turned into paranoia and delusions. As time has passed the petitioner has become rigid and suspicious. We find that the pattern of behaviour: pursuit of her personal grievances has seriously damaged the petitioner. Her grievances have steadily grown from the mundane to the grandiose, revealing grand fantasies of her ultimate vindication, unveiled dramatically before Courts.

7. The pleadings and communications addressed by the petitioner bring out a trait of a category of litigants, who in their pursuit, send voluminous communications, and one finds that her requests have gradually shifts to demands and therefrom to recrimination and finally to threats. She has come to regard public figures as the central impediments to her quest and this explains self-righteousness and self-importance blurring the distinction between a fantasy and the real and thus the non-understanding of a difference between an "assertion" and "evidence".

8. Any attempt by us to directly confront this misconception would be a mistake because the misconceptions are a product of intense suspicion and lengthy self-justification, and would further entrench her position if any attempt is made to confront her misconceptions. Courts are not meant for retribution.

9. The relief prayed has no basis on facts and needless to state is founded on no principle of law.

10. The writ petition is dismissed. No costs.