

(2019) 02 CHH CK 0390

Chhattisgarh High Court

Case No: Writ Petition (S) No. 1233 Of 2019

Shilpa Kaushik

APPELLANT

Vs

Indira Gandhi Krishi

RESPONDENT

Vishwavidyalaya And Ors

Date of Decision: Feb. 21, 2019

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Ravindra Sharma, Gary Mukhopadhyay, Shanshak Thakur

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The Challenge in the present writ petition is to the order to transfer dated 08.02.2019 whereby the petitioner has been transferred from Bilaspur to katghora, District Korba.

2. The challenge is on the ground that the petitioner on an earlier occasion had made serious allegation against the Respondent No.4 and against whom an enquiry was also conducted by the committee constituted under the Judgment of the Hon'ble Supreme Court in the case of Vishakha & Ors.

Versus State of Rajasthan and Ors. (1997) 6 SCC 241. The committee also found that the behaviour of respondent No. 4 was not proper and up to the mark. The respondent No. 2 for this had also issued with a warning to the respondent No. 4.

3. The contention of the petitioner is that the present order of transfer is an outcome of the said committee's report and as such she has been

victimized. The Counsel for the petitioner further submits that the petitioner is otherwise a widow and has got two school going children and at this juncture, transferring her to a different place would have an adverse remark on the educational point of view of the children.

4. The counsel appearing for the university submits that the committee constituted for the enquiry has submitted a report whereby the Respondent No.

4 has been totally exonerated of the allegation levelled. This court fails to understand that once when the committee has given a total exoneration to

the Respondent No. 4 where was the necessity for respondent No 2 - Registrar to issue strong warning to the respondent No 4 in respect of his

behaviour and his attitude towards female staff and other staff in the department.

5. Given the aforesaid facts, as it stands the present writ petition stands disposed of with a direction to make a fresh representation to the respondent

No. 2 who in turn shall consider the case of the petitioner so far as her transfer is concerned. While considering the same respondent No 2 shall also

keep in mind the contents that the petitioner would raise in her representation which shall be made within 7 days from today. On receipt of the same

respondent 2 is expected to take a decision at the earliest.

6. Till then, the impugned order so far as the transfer of petitioner is concerned, should not be given effect to Sd/-