

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

W.P.No. 3450 of 2013

Dr. Vandana D/o Kisan Meshram vs. Rashtrasant Tukdoji Maharaj Nagpur
University, Amravati Road, Nagpur and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. S.P.Bhandarkar, Adv. for the petitioner.

Ms Smita Dasputre, Adv. h/f Ms T. Khan

Adv. for R-1.

Mr. D.P. Thakare, Addl. G.P. for R-2.

Mr. C.S.Kaptan, Senior Counsel with

Mr. Abhay Sambre, Adv. for R-3,4,5 and 6.

CORAM: B.R.GAVAI & C.V.BHADANG,JJ

DATE : 10.3.2015

This petition is filed by the petitioner with various prayers including the direction to the respondent no.3 to initiate departmental inquiry against the respondent no.5, to constitute Internal Complaints Committee and also challenging the transfer order of the petitioner issued by the respondent no.3 dated 25th June, 2013.

2. The Division Bench of this Court vide Judgment and

order dated 13th June, 2014, vide two separate Judgments authored by two learned Judges held that the constitution of the Internal Complaints Committee was not in accordance with law and, therefore, though kept the petition pending, directed the respondent no.3 to constitute appropriate Internal Complaints Committee and conduct inquiry and submit report to this Court.

3. Accordingly, the report is submitted to this Court. Undisputedly, now the Committee, which has conducted inquiry, is appropriately constituted Committee. The said Committee has found that the allegations made by the petitioner with regard to sexual harassment are without any basis.

4. In that view of the matter, we find that in the petition insofar as the prayer clauses (i) and (ii) are concerned, nothing survives inasmuch as the Internal Complaints Committee has already conducted enquiry and no substance has been found.

5. The question only now remains is regarding the transfer order dated 25th June, 2013.

6. Vide the said order, the petitioner has been transferred from Shivaji Science College, Congress Nagar Nagpur to Dhanwate National College, Congress Nagar, Nagpur on the same post. Undisputedly, both the colleges are not only situated within the City of Nagpur but are also situated within the same compound.

7. No doubt it is sought to be urged by Shri Bhandarkar, the learned counsel for the petitioner that the transfer amounts to derogation of status and as such the petitioner is entitled to invoke extra ordinary jurisdiction.

8. We are unable to appreciate as to how transfer not only in the same City but at the different colleges in the same compound on the same post, would amount to derogation of status.

In that view of the matter, we do not find that the case is made out for interference. The petition is rejected.

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