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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION***

***WRIT PETITION No. 1692 OF 2015***

***Bhagwan R. Wanjare***

***....Petitioner***

***Vs.***

***Union of India and Ors.***

***....Respondents***

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Mr. Vicky A. Nagrani for Petitioner

Ms. Neeta V. Masurkar for Respondents

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***CORAM : V. M. KANADE &  
M.S. SONAK, JJ.***

***DATE : JULY 8, 2016***

**P.C. :**

1. The grievance of the Petitioner is that after he made a complaint against his colleague Shri Singatkar that he had molested his daughter in his house, instead of taking action against the said Singatkar, the Petitioner was transferred to Gadchiroli. The second grievance of the Petitioner is that no inquiry was held and even if any inquiry was held, the Petitioner was not given any opportunity of taking part in that inquiry. He has annexed the proceedings of the inquiry which clearly indicate that neither the Petitioner

was present nor any opportunity was given to him to remain present in the said inquiry.

2. Mrs. Masurkar, learned counsel appearing on behalf of the Respondents submits that a separate inquiry was held, in which he was called and he was asked the questions.

3. In our view, such a procedure cannot be adopted by the Respondents and the said procedure is clearly in violation of principles of natural justice. An inquiry has to be held by giving opportunity to both the parties to participate in the same and two separate inquiries cannot be held in such cases, particularly, when the allegations were made by the Petitioners that his daughter was molested. No action was taken against Shri Singatkar only on the ground that the Petitioner's daughter did not belong to the school in which the Petitioner and Respondent No.1 were employees and she was the student of some other school. This cannot be a ground for exonerating Shri Singatkar. Instead of punishing the said employee, the Petitioner, who was to send to Gadchiroli, which was an unsafe area and it is well known to the people, who are sent to Gadchiroli as punishment. Instead of punishing the

person against whom such a complaint was filed, the Management and the Committee which was appointed, including the Principal, has proceeded to punish the Petitioner by sending him to Gadhchiroli. The Petitioner had approached the Central Administrative Tribunal and the CAT had refused to entertain the application filed by the present Petitioner. The reason given by the Tribunal was that the Committee had held an inquiry and had given an opportunity of hearing to both the teachers. This observation is factually incorrect, which is evident from the inquiry proceeding, annexed to this petition.

4. We had made a suggestion to Mrs. Masurkar, learned counsel appearing on behalf of the Respondents that the Petitioner should be transferred to a nearby place. We are informed that the person, who is working in Osmanaabad has completed his five years' tenure and he is likely to be transferred and he has no objection if he transferred to that place or the Petitioner may be transferred to Latur or Aurangabad. At this stage since we do not propose to make any further observations regarding the manner in which the management has acted in this matter. But since they have shown their willingness to accept the orders passed by this Court, we do

not wish to prolong the said matter. We, therefore, set aside the transfer of the Petitioner to Gadhchiroli. The Petitioner may transfer to Osmanabad after vacancy arises in the said school or if the vacancies are available at Latur or Aurangabad, he may transfer to there. The entire process will be completed within four weeks. Liberty is given to the Petitioner to apply. The writ petition is disposed of in the aforesaid terms.

5. We clarify that the observations in this order, are only *prima facie* and restricted to decide the issue of transfer. We may not be taken as having expressed any opinion upon the conduct of either the Petitioner or Shri Singatkar, particularly since we are informed that the allegations and counter allegations are being probed into.

***M.S. SONAK, J.***

***V.M. KANADE, J.***