

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

WRIT PETITION NO.4790 OF 2015

Dr. Nitinkumar Jagannath Ranshur ...Petitioner.

V/s.

Mahatama Phule Agricultural University & Ors. ...Respondents

Mr. P. G. Sarda for the petitioner.

Ms. Neeta Karnik for respondent No.1.

Mr. Akshay Shinde i/b Mr. A. M. Kulkarni for respondent No.3.

Mr. U.R. Mankapure for respondent No.2.

**CORAM : *NARESH H. PATIL AND
A.A. SAYED, JJ.***

29th January, 2016.

P.C.

. The petitioner challenges his transfer order dated 31/1/2015 from Pune to Rahuri. Mr. Sarda, learned counsel for the petitioner submits that the transfer is made with malafide intention and is unreasonable and arbitrary in nature. The petitioner has brought on record the concerned notice at page Nos.28 and 29 of the Paper-Book. Learned counsel for the petitioner further submits that the Vice Chancellor has favoured respondent No.2.

2. Affidavit in reply has been filed by the Registrar of respondent No.1-University. Ms. Karnik, learned counsel appearing for the University submits that initially the petitioner had asked for transfer and at his request vide order dated 31/1/2015, the Vice Chancellor transferred the petitioner from Pune to Rahuri. The said order is annexed to the affidavit. Learned counsel further submits that in-house inquiry was conducted in respect of allegations of sexual harassment. She submits that during the inquiry nothing was found adverse to the petitioner. Therefore, no action was taken against the petitioner. Respondent No.3, who was the complainant, had filed an appeal against the decision taken by the Inquiry Committee.

3. Mr. Mankapure, learned counsel appearing for respondent No.2 submits that respondent no.2 is working in place of the petitioner at Rahuri since last one year.

4. It is surprising to note that since after transfer of the petitioner to Rahuri, the petitioner has preferred not to join the college at Rahuri since last one year. On merits, we find that the University has explained the circumstances in which the petitioner was transferred and taking

overall view of the matter, we find that no interference is warranted by this Court. The absence of the petitioner for a period of one year shall be taken into account by the University and in case the petitioner fails to report duty , the University may deal with him departmentally.

5. Petition is dismissed accordingly.

(A.A. SAYED, J.)

(NARESH H. PATIL, J.)