

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NOS. 655 & 736 OF 2017

Yogita Suresh Dessai

... Petitioner

Versus

State of Goa & Ors

... Respondents

Mr G Naik, *Advocate for the Petitioner.*

Mr Dattaprasad Lawande, *Advocate General with Mr A*

*Prabhudessai, Additional Government Advocate for Respondent
No 1 to 6 in WP No 655 of 2017.*

Mr Dattaprasad Lawande, *Advocate General with Ms. P. Bhandari,
Additional Government Advocate for Respondent No 1 to 4 in WP
No 736 of 2017.*

**CORAM: G.S. PATEL &
NUTAN D. SARDESSAI, JJ**

DATED: 4th October 2017

PC:-

1. Heard.

2. We gave the Petitioner one opportunity to consider her position. The reason we did so is that we have on record a preliminary report of the Additional Collector – II, South Goa District dated 27th June 2017, followed by a detailed report dated 15th September 2017 by the Collector, Ms Anjali Sehrawat, IAS.

3. In both petitions, the Petitioner complains that her right to privacy was invaded and that she was clandestinely video-recorded,

and thereafter subjected to humiliation in public. The petitions, unfortunately, *prima facie* appear to be misleading in both respects. The reports, especially that of the Collector, indicate that there are serious problems with the Petitioner's conduct at her workplace. She has either delayed or obstructed handing over charge. She is needlessly hostile and combated and is guilty of misconduct, indiscipline and insubordination. So say both reports.

4. The first video is of 26th May 2017 and it is relied on to show that even while she was supposedly taking over charge, she was firstly on the mobile phone, and also secondly, arguing with other persons, both in front of the reporting officer. The second video was recorded on 2nd August 2017 after the Petitioner sought information in regard to some questions in the assembly that have been raised on her previous complaints. Ms Sehrawat's report indicates that the video was recorded in three parts. Seven employees were unaware of it. As many as 11 others said that it was recorded at 10.30 a.m. in the chamber of the Joint Mamlatdar – I Canacona in full public view. The context was that the Petitioner refused to prepare the replies to the LAQs and this was reported up the hierarchy to the Joint Mamlatdar. In the presence of several staff members, the Joint Mamlatdar questioned the Petitioner's conduct. He then said that he was switching on his mobile phone to record her response and to substantiate his case that she was guilty of misconduct, indiscipline and insubordination. Others were present at that time. There is no third video recording.

5. The Collector reports that the video clips were looked into by the Additional Collector. Neither of these two video clips raises any

question of breach of privacy. There is no invasion of her personal space. It captures instead her manner of conducting herself in her work place.

6. Mr Naik for the Petitioner would have us to examine all this. He contests the correctness of these reports. He says that they are incorrect and the facts are as presented by the Petitioner. Clearly, these are seriously disputed questions of fact. The video recordings themselves are on record before us. We do not think that it is remotely possible to examine such disputed questions of fact. Given the nature of the allegations we think it is prudent to go no further. All we can say is that these are not kind of cases that warrant our interference or intervention under Article 226 of the Constitution of India. Simply by invoking laws meant to protect women in the work place, the Petitioner cannot evade her duties nor excuse her indiscipline. That is not the purpose of these protective statutes. We find no clear-cut, undisputed material in support of the Petitioner's allegations.

7. The petitions are rejected. The previous interim relief will stand vacated. The Petitioner will report for duties as assigned to her.

NUTAN D. SARDESSAI J.

G. S. PATEL J.