

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8060 OF 2013**

Smt. Sarita S. Parhyad

..Petitioner

Vs

State of Maharashtra and ors.

..Respondents

Mr. S.S. Pramod i/b Mr. Vijay Hiremath for the Petitioner.

Mrs R.M. Shinde, AGP for Respondent No.1.

Mr. A.G. Kothari for Respondent No.3.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JULY 18, 2017.

P.C. :

. We have gone through the reply filed by respondent No.3.

In paragraph 3 of the reply is extracted as under:

“3] I say that the Complaint dt.22nd August 2012 of the Petitioner was received only on 15th October 2012 when for the first time the Respondents became aware that the Petitioner was being Physically and mentally harassed hence the Respondents started their own internal inquiry whereafter the Headmaster i.e. Shri. Ramesh A. Kantela and Shri. Anil C. Dhangade were Suspended pending Inquiry vide letter dt.7th December 2012 of the Respondents. I say that the Project officer and Assistant District Collector had vide his letter dt.5th December 2012 which was received on 7th December 2012 also directed that strict action be taken against the aforesaid Shri. Ramesh A. Kantela and Shri. Anil C. Dhangade under the Maharashtra Civil Service Rules 1979 and accordingly an Inquiry was initiated by issuing Charge sheet dt.22nd December 2012. I say that the Respondents were later on advised that the Inquiry should be initiated under the Maharashtra Employees of Private Schools Act 1977 and accordingly identical Statement of

Allegation both dt.6th February 2013 were issued to Shri. Ramesh A. Kantela and Shri. Anil C. Dhangade. Hereto annexed and marked Exh"1" is a copy of Statement of Allegation dt. 6th February 2013 issued to Shri. Ramesh A. Kantela and Exhibit "2" is a copy of Statement of Allegation dt. 6th February 2013 issued to Shri. Anil. C. Dhangade."

2] In view of the aforesaid, it is clear that the respondents have constituted a Complaint Committee with effect from 1st August 2013, as per the provisions of the Sexual Harassment of Women at Workplace (Prevention Prohibition And Redressal) Act, 2013.

3] In view of the aforesaid, in our considered view the prayer 'a' of the petition does not survive. Since the Committee has been constituted, we direct respondent No.3 to proceed in the enquiry in accordance with law.

4] We also record the statement made by learned counsel for respondent No.3 that Ramesh Kantela and Anil C. Dhangade have been suspended from service.

5] The writ petition is disposed of. As a result, the interim order is vacated.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)