

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

WRIT PETITION NO. 1752 OF 2017

Mrs. Swati Dadasaheb Khilare	}	Petitioner
versus		
Savitribai Phule Pune University	}	
and Ors.	}	Respondents

Mr. Sanjay D. Koban for the petitioner.

Mr. Rajendra Anbhule for respondent nos.
1 and 2.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.
DATED :- FEBRUARY 15, 2017**

P.C. :-

1. The grievance of the petitioner is that a complaint made by her and as serious as alleging sexual harassment has been closed by the Savitribai Phule Pune University without giving any opportunity to the petitioner to controvert and meet the contents of the inquiry report.

2. The report of that inquiry held into this petitioner's complaint was placed before the employer, namely, the university. Despite two notices, the petitioner failed to appear. It is in these circumstances that the petitioner has been informed that the complaint stands closed. No proceedings into the complaint now and hereafter would be held.

3. What we have noted is that the petitioner did receive the notices calling upon her to remain present and make her submissions. The petitioner complains that there is a cause shown by her. She says that an application was made on 26th May, 2016 before the committee, but the committee did not take any cognizance or note thereof. Thereafter, it prepared a report and that report was accepted by the university. This whole process contravenes the principles of natural justice.

4. Since the complaint alleges sexual harassment at workplace and the petitioner is aggrieved and dissatisfied with the closure of the proceedings, in the facts and circumstances peculiar to this case, we direct the university to hear the petitioner, provided the petitioner appears before the competent authority on 25th February, 2017 at 10.30 a.m. If the petitioner so appears, let the university hear the oral submissions and also allow the petitioner to rely on the records of the proceedings before the committee. The university shall pass a fresh order thereafter and within a period of two weeks from the date the hearing is concluded. If the petitioner fails to appear before the university as directed on 25th February, 2017, she would not get any further opportunity. Thereupon, the present communication and impugned in the writ petition would stand and bind the petitioner.

5. With the aforesaid directions, the writ petition is disposed of. Needless to clarify that we have not expressed any opinion on the contentions raised by the petitioner's advocate. In the event the petitioner appears and makes her submissions, the university shall pass a fresh order uninfluenced by any earlier decision.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)