

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1233 of 2019**

Shilpa Kaushik Wd/o Late Harish Kaushik Aged About 36 Years Working As Vishay Vastu Visheshagya, Shasya Vigyan, Krishi Vigyan Kendra, Bilaspur, R/o Near Uco Bank, Raipur, Road, Parsada, Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. Indira Gandhi Krishi Vishwavidyalaya Through Its Registrar, Krishak Nagar, Raipur Chhattisgarh.
2. Registrar Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur Chhattisgarh.
3. Dr. S.K. Upadhyay Krishi Vigyan Kendra, Katghora, District Korba Chhattisgarh.
4. Dr. Dushyant Kaushik Incharge - Senior Scientist, Krishi Vigyan Kendra, Bilaspur, District Bilaspur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Ravindra Sharma With Mr. Gary Mukhopadhyay, Advocate
For Respondents	:	Mr. Shanshak Thakur, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/02/2019**

1. The Challenge in the present writ petition is to the order to transfer dated 08.02.2019 whereby the petitioner has been transferred from Bilaspur to katghora, District Korba.
2. The challenge is on the ground that the petitioner on an earlier occasion had made serious allegation against the Respondent No.4 and against whom an enquiry was also conducted by the committee constituted under the Judgment of the Hon'ble Supreme Court in the case of **Vishakha & Ors. Versus State of Rajasthan and Ors. (1997) 6 SCC 241**. The committee also found that the behaviour of respondent No. 4 was not proper and up to the mark.

The respondent No. 2 for this had also issued with a warning to the respondent No. 4.

3. The contention of the petitioner is that the present order of transfer is an out come of the said committee's report and as such she has been victimized. The Counsel for the petitioner further submits that the petitioner is otherwise a widow and has got two school going children and at this juncture, transferring her to a different place would have an adverse remark on the educational point of view of the children.
4. The counsel appearing for the university submits that the committee constituted for the enquiry has submitted a report whereby the Respondent No. 4 has been totally exonerated of the allegation levelled. This court fails to understand that once when the committee has given a total exoneration to the Respondent No. 4 where was the necessity for respondent No 2 - Registrar to issue strong warning to the respondent No 4 in respect of his behaviour and his attitude towards female staff and other staff in the department.
5. Given the aforesaid facts, as it stands the present writ petition stands disposed of with a direction to make a fresh representation to the respondent No. 2 who in turn shall consider the case of the petitioner so far as her transfer is concerned. While considering the same respondent No 2 shall also keep in mind the contents that the petitioner would raise in her representation which shall be made within 7 days from today. On receipt of the same respondent 2 is expected to take a decision at the earliest.

6. Till then, the impugned order so far as the transfer of petitioner is concerned, should not be given effect to

Sd/-
(P. Sam Koshy)
Judge

Jyoti