

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CWP-11805-2019****Date of Decision: July 17, 2019****Madhu Bala****... Petitioner****vs.****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. M.S.Rana, Advocate, for the petitioner.

Ms. Anu Chatrath, Sr. Advocate with
Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J.(ORAL)

Grievance of the petitioner, a physically challenged, being Orthopedically 60% disabled, working as a Lecturer in the school, is that the Principal of the School, where she is posted, despite having been indicted by the Inquiry Officer vide inquiry report dated 27.03.2019, is not being transferred out from the school and continues to harass her.

2. Facts in brief are that earlier also petitioner had approached this Court vide CWP-16003-2018, for commanding the respondents therein to provide conducive environment and accommodate her and further look into the various complaints filed by her against respondent No.5- Gurjit Singh, Principal Senior Secondary School Channo, District Sangrur. The said writ petition was disposed of vide order dated 08.02.2019 with a direction to the competent authority to consider the case of the petitioner and to pass a speaking order keeping in view the facts and circumstances of the case.

3. It is pertinent to mention here that vide order dated 01.02.2019 (Annexure P-1), the petitioner as also respondent No.5 were transferred from the said school, however, later on the aforesaid transfer orders were

withdrawn on 18.03.2019. Resultantly, both i.e. petitioner and respondent No.5 again remained at the same place of posting

4. In compliance with the order dated 08.02.2019 passed by this Court in CWP-16003-2018, inquiry was conducted against respondent No.5 and Inquiry Officer vide inquiry report dated 27.03.2019 has given a finding that the petitioner though was not sexually abused by respondent No.5 but she was otherwise harassed at his hands.

5. After considering the report submitted by the Inquiry Officer, respondent No.2 i.e Principal Secretary, Department of Education, Punjab has passed order dated 12.04.2019 (Annexure P-4) advising respondent No.5 to maintain good working environment in the school and at the same time also advised the petitioner to extend all necessary cooperation to the Principal to run the school in the best interest of students.

6. Feeling aggrieved against aforesaid order dated 12.04.2019 (Annexure P4), the petitioner also submitted two representations dated 12.04.2019 and 16.04.2019 (Annexure P2 and P3), respectively again bringing to the notice of the higher authorities about the harassment being meted out to her at the hands of respondent No.5.

7. The petitioner submits that the restoration of status quo ante has resulted in giving the Principal of the school continued opportunity to harass her as before and, therefore, seeks appropriate orders to transfer the Principal, as was directed earlier.

8. Having heard learned counsel for the parties, I am of the considered view that there is not much scope of interference in the extraordinary writ jurisdiction of this Court. However, the writ petition is disposed of with an observation that the respondents are expected to look

into the grievance of the petitioner sympathetically and extend her the benefit as envisaged under the Rights of Persons with Disabilities Act, 2016.

9. Disposed of in above terms.

July 17, 2019
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No