

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9813-2021 (O&M)
Date of Decision:-2.3.2021

Dr. Vipinder Nagra

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Premjit S. Hundal, Advocate for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking issuance of a direction to respondents No.1 to 3 to register FIR on the basis of a complaint dated 6.2.2018 (Annexure P-2) against respondents No.4 to 6 for offences under Sections 354-A, 354-D, 506 and 34 of Indian Penal Code.
2. It is the case of the petitioner that she had been working as a Lecturer in D.A.V. College, Hoshiarpur since the year 2000 and that she was promoted as Associate Professor in the year 2013. In the year 2015, she was made a Coordinator of a team of teachers, which was to prepare a report of assessment of the college by NAAC (National Accreditation and Assessment Council). It is averred that the entire project was, however, informally taken

over by respondent No.4 on the ground that he was an expert and was experienced. It is alleged that, however, the petitioner became victim of sexual harassment at the hands of respondent No.4 leading to lodging of FIR i.e. FIR No.0025 dated 22.2.2017 registered at Police Station City, Hoshiarpur (Punjab) under Section 354-A of Indian Penal Code.

3. It is further alleged that despite registration of the FIR, respondent No.4 did not desist and infact even respondents No.5, 6 and 7 harassed her. It is alleged that respondent No.4, who is aged 79 years, had been working as a Secretary of Managing Committee, D.A.V. College, Hoshiarpur. Respondent No.5, who is stated to be a retired Principal, but being blue eyed boy of respondent No.4, had been given extension of four years. Later he was also made a Director of D.A.V. College of Education, Hoshiarpur. Respondent No.6 is also stated to be a retired Professor but close to respondent No.4 and is stated to have been made Joint Secretary of Managing Committee, D.A.V. College, Hoshiarpur. Respondent No.7 is stated to have retired as a Manager from Indian Bank.
4. It will be apposite to refer to some extracts from the petition, which somehow tend to show as to what precisely is the grudge of the petitioner. The said relevant extracts from para Nos.4 and 5 are reproduced hereinunder:

“4. That it is pertinent to mention here that the reason why these Respondents are stalking the petitioner is writ large on the face of it, though there was no post of Director in the hierarchy of the D.A.V. College of Education Hoshiarpur, but still, Respondent No.5 was made Director after the illegal extension given by the Secretary of the Managing Committee of D.A.V. College, Hoshiarpur, i.e. Respondent No.4. The Panjab University Calender Vol.I, Chapter VIII E, clause 7,

mentions that “all whole time teachers in Non-government Colleges affiliated to the university shall retire on attaining the age of 60 years and thereafter no extension in service shall be granted.” The UGC Notification 2010, Clause 2.3.2 provides that “subject to the availability of vacant positions and fitness, teachers such as Assistant Professors, Associate Professors and Professors only, may be reemployed on contract appointment beyond the age of superannuation, as applicable to the concerned University, College and Institution, up to the age of 70 years”. This notification does not provide any extension to the principal.....

5. That after the registration of the first F.I.R. against Respondent No.4, the petitioner was continuously threatened, harassed and was pushed to wall, as both teaching and non-teaching staff of the College were given strict instructions that no one should talk to the petitioner and thus, petitioner was socially boycotted in the College and nobody was allowed to talk to her, the boycott has been executed to such an extent that nobody is allowed to talk to her telephonically or on any social media, which goes to show that petitioner was physically harassed at the work place.....”

5. Upon perusing the petition and hearing the counsel for the petitioner, this Court on one hand tends to get an impression that the present case is basically some kind of service related issue, wherein the petitioner is aggrieved on account of appointment of retired persons on posts higher to the one which she is holding. However, since serious allegations of sexual harassment have been levelled, this Court is of the opinion that some kind of preliminary inquiry should be made before any decision is taken as to whether any criminal action is justified against the private respondents or not. The petition, as such, is disposed off with liberty to the petitioner to file

an appropriate application under Section 156(3) Cr.P.C. before the Illaqa Magistrate concerned. In case, any such application is filed, the Illaqa Magistrate concerned shall consider the same in accordance with rules.

2.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No