

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2165 of 2018

Dr. Vidya Bhushan Jha Son of Saket Bihari Jha, resident of Village P.O. Tetari, Thana Daudari Sub Div. Ballia District Begusarai- 851211 presently working as Associate Professor cum Sr. Scientist, at Dr. Kalam Agriculture College, Kishanganj under Bihar Agricultural University.

... .. Petitioner/s

Versus

1. The Bihar Agricultural University Through Its Registrar and Ors
2. The Vice Chancellor, Bihar Agricultural University Sabour, Bhagalpur.
3. The Registrar, Bihar Agricultural University Sabour, Bhagalpur.
4. The Director Administration, Bihar Agricultural University Sabour, Bhagalpur.
5. The Principal, Bhola Paswan Shastri Agriculture College, Purnea.
6. The Chairperson, Women's Complaint Committee, Bhola Paswan Sastri Agricultural College, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar, Adv.
For the Respondent/s	:	Mr. Shailendra Kumar Singh, Adv.
For Respondent No.1 to 6	:	Mr. Ram Krishna, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

5 11-07-2022 Heard the parties.

The only point raised before this Court by learned counsel for the petitioner is that under the provision of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 it is provided that both the parties shall during the course of enquiry be given an opportunity of being heard and a copy of finding shall be made available to both the parties enabling them to make representation against the findings before the Committee. He submits that the aforestated



provision has been disregarded and copy of the findings of the Enquiry Committee were not made available to him. He submits therefore that the impugned order of warning to be careful in future not to repeat the same in future is unjustified and illegal.

Counsel appearing for the University submits that due opportunity was provided. Copy of the complaint was also made available to the petitioner delinquent and the procedure for conducting inquiry was duly followed. However, he does not contest the aspect regarding supplying of the report/findings of the Enquiry Committee to the petitioner. It is submitted that if a direction is issued by this Court for availability of the Enquiry report to the petitioner, the respondents be given an opportunity to again proceed further after receiving the reply to the findings.

I have considered the submissions.

Admittedly, the petitioner is in service.

Keeping in view thereto and also considering that the order passed is stigmatic he deserves to be provided a copy of the enquiry report as per the provision as quoted above. In the Case of **Union of India Vs. Mohd. Ramzan Khan (1991) 1 SCC 588**, the Supreme Court has held that non-supply of copy of enquiry report vitiate the proceedings. The said Judgment was reiterated by the Supreme Court Constitution Bench



holding that the copy of the enquiry report is essential feature and the same can only be denied if it does not cause any prejudice **reported in (1993) 4 SCC 727 ECIL Vs. B. Karunakar.**

In the present case, considering the nature of allegation of alleged sexual harassment and the nature of punishment awarded of warning not to again repeat such action in future stipulates that the allegation is accepted by the authorities to have been proved and the order is stigmatic causing prejudice to him.

In view thereof, this Court finds that non-supply of enquiry report vitiate the order. The order dated 11.10.2017 is accordingly quashed and set aside.

The respondents shall now provide copy of the enquiry report to the petitioner and also give him an opportunity to make him representation thereto and after receiving the same they shall be free to take a fresh decision.

The writ petition is accordingly allowed partly.

(Sanjeev Prakash Sharma, J)

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Item no.16

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