

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2993 of 2024

Reshu Singh
 Aged 36 years, presently serving as
 Assistant Professor in the Mumbadevi
 Adarsh Sanskrit Mahavidyalay, and residing
 at A/1-43 Nabard Nagar, Thakur Complex,
 Kandivali (East)
 Mumbai – 400101

...Petitioner

Versus

1. Union of India
 Through the Secretary,
 Human Resource Department
 Ministry of Education,
 Government of India, Shastri Bhavan,
 New Delhi 110011
 2. The Registrar,
 Central Sanskrit University,
 56-57, Institutional Area,
 Janakpuri, New Delhi - 110058
 3. The Chairman/Secretary
 Managing Committee Mumbadevi
 Adarsh Sanskrit Mahavidyalay,
 Kulapati Munshi Marg,
 Mumbai – 400 007
 4. The Principal,
 Mumbadevi Adarsh Sanskrit
 Mahavidyalay, Kulapati Munshi
 Marg, Mumbai – 400 007
- ...Respondents

Mr. J.P. Cama, Senior Advocate a/w Mr. Aseem Naphade, Mr. Arsh Misra, Ms. Khushboo Agarwal, Ms. Ruchika, Ms. Mrunmayi, Advocates for the Petitioner.

Mr. Niranjana Shimpi a/w Mrs. Shehnaz V. Bharucha, Advocate for

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Respondent Nos.1 & 2 (UOI).

Mr. Vivek Khemka, Advocate for Respondent Nos.3 & 4-
Management/Employer

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

**RESERVED ON : 6th MAY, 2025
PRONOUNCED ON : 25th June, 2025**

JUDGMENT (PER : RAVINDRA V. GHUGE, J.)

1. Rule. Rule made returnable forthwith and heard finally
by the consent of the parties.

2. The Petitioner has put forth the following prayers :-

“(a) That this Hon'ble Court be pleased to issue a writ of certiorari or other appropriate writ, order or direction calling for the record and proceedings leading to the passing of the orders dated 30/10/2023 (Exhibits “S” & “T”) and the letter dated 23/11/2023 (Exhibit “W”) and after examining the legality and propriety of the same this Hon'ble Court be pleased to quash and set aside the said orders.

(b) That this Hon'ble Court be pleased to in pursuance of prayer clause (a) issue a writ of mandamus or other appropriate writ, order or direction to the Respondents and Respondent nos. 2 to 4 in particular directing the said Respondents to accommodate the Petitioner in the Mumbai campus of

the Respondent No. 2 University and pay the Petitioner her emoluments attached to the said post from November, 2023 onwards till date and thereafter till the Petitioner is posted back to her original post under Respondent No. 4 College month to month;

(c) That this Hon'ble Court be pleased to issue a writ of mandamus or other appropriate writ, order or direction directing the Petitioner be accommodated in the Respondent No. 4 College in Mumbai as before and she be paid her emoluments attached to the said post and also permit the Petitioner to discharge the full duties and responsibilities for the said post.

(d) That this Hon'ble Court be pleased to quash and set aside the findings of the ICC of the College and direct that a fresh independent ICC be constituted or the LCC be authorised to conduct the proper enquiry into the matter including into the actions of the college management and the officials of the Respondent No. 2 University starting with passing of the orders dated 11/10/2023 till the order dated 23/11/2023 as set out in the Writ Petition and take action against all these people in accordance with law.”

CONTENTIONS OF THE PETITIONER

3. The contentions of the Petitioner can be summarized as under :-

(a) The Petitioner was selected and appointed as an Assistant Professor in Respondent Nos.3 and 4/College on 18th April, 2018, in pursuance to the advertisement dated 15th-21st October, 2016. This college is operated by Respondent no.2.

(b) The interview scheduled on 17th April, 2017 was cancelled. Again it was cancelled on 12th November, 2017.

(c) Her selection and appointment was pursuant to the interview held on 4th December, 2017.

(d) She received the appointment order dated 18th April, 2018 and joined duties on 20th June, 2018.

(e) In April 2020, the Central Sanskrit University Act, 2020 was introduced.

(f) After successfully completing her probation period of two years and after waiting for one year without any confirmation order, she started entering into correspondence with the Employer for seeking an order of permanency.

(g) Since she was kept on probation, unofficially and de-hors the rules, she preferred Writ Petition No.1238 of 2024. By Judgment dated 6th May, 2025, this Court concluded that the Petitioner was exploited by keeping her on probation for 7 years and granted permanency to the Petitioner after completion of her probation period as prescribed by law.

(h) On 15th June, 2023, the Petitioner had filed a complaint

under the ‘Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013’ (in short, the ‘**POSH Act**, 2013’) against an Assistant Professor, Dr. Manoj Kumar Dubey. She also filed the First Information Report (in short ‘**FIR**’) No.141 of 2023 with the Gamdevi Police Station, Mumbai for offences punishable under Sections 354, 354-A and 506 of the India Penal Code (in short ‘**IPC**’).

(i) The ‘Internal Complaints Committee’ (in short, ‘**ICC**’) met on 3rd July, 2023.

(j) The ICC again met on 13th July, 2023. The further grievances of the Petitioner that on 16th June, 2023, she was threatened verbally and on 20th June, 2023, she was physically pushed near the lift due to which she tumbled, were heard.

(k) In the said hearing, the ICC closed the proceedings as the ICC could not come to a conclusion on the specific complaints against Dr. Dubey. It concluded, vide the report dated 13th July, 2023 that ICC cannot decide anything on the complaints of the Petitioner.

(l) On 27th September, 2023, the Gamdevi Police Station filed

a chargesheet before the Additional Chief Metropolitan Magistrate, Girgaon, Mumbai with reference to the FIR No.141 of 2023.

(m) Immediately, on 30th October, 2023, the Petitioner was issued with an order of transfer and she was deprived of the academic assignments. She was ‘temporarily’ transferred from Mumbai to Bhilwara, Rajasthan.

(n) She made a representation dated 31st October, 2023, indicating that she had an elder son studying in the Sainik School at Satara and her younger toddler son (three years) was under treatment due to a severe allergy. Her husband was working in the Government Sector and was permanently posted in Mumbai. She had ailing parents-in-law. Hence, she sought a review of the transfer order.

(o) Vide E-mail dated 4th November, 2023, the Petitioner was informed that that her post of Assistant Professor (English) was currently occupied by a ‘**Guest Teacher**’ and, hence, there is no vacancy for the Petitioner in the said College.

(p) The Petitioner moved a request letter dated 8th November, 2023 for accommodating her in K.J. Somaiya Campus

University, Mumbai.

(q) By an order dated 8th November, 2023 passed by MDASM, the Petitioner was transferred from Bhilwara, Rajasthan to Vrindavan, Mathura in Uttar Pradesh. This was a second transfer in 40 days.

(r) By an order dated 23rd November, 2023, the CSU directed her to report for duties at Mathura.

(s) Respondent no.2 Central Sanskrit University (CSU) declared that since its resolution dated 11th January, 2024 passed in its 18th meeting of the Executive Council, had been approved by the Ministry of Education, Government of India vide Notification dated 21st May, 2024, the Central Sanskrit University operated K.J. Somaiya Campus University, Mumbai was shifted to Nashik, Maharashtra.

CONTENTIONS OF RESPONDENT NOS.3 AND 4

4. Respondent No.4, on behalf of Respondent Nos.3 and 4, filed an affidavit in reply datedNovember, 2023 (day not clear) and stated in Paragraph No.11 that because of the constant presence of the Police Authorities within the premises of the

Institution, the standards of education had deteriorated and an environment of hostility was created on account of the misbehavior and illegal use of Police machinery by the Petitioner. A High Power Committee (in short, ‘**HPC**’) comprising of 2 members, was constituted on 19th April, 2021, which held a meeting on 23rd September, 2021 and concluded that the Petitioner did not possess the required qualification as on 20th November, 2016.

5. It was further contended that the Petitioner was illegally appointed. The atmosphere in the Mumba Devi Adarsh Sanskrit Mahavidyalay (in short, ‘**MDASM**’) was not conducive for being a prospective educational institution. Hence, the academic activities were suspended. The Central Sanskrit University (CSU) has utilized the services of the Teachers at other suitable locations. The existing students were transferred to Nashik. Some Professors were also shifted to Nashik. One Professor and a Peon, working with ASM were transferred to K.J. Somaiya Campus University, Mumbai and two Professors were transferred to Bihar and Rajasthan. Such transfer orders are placed on record. All these institutions are conducted by the CSU. It is noteworthy that K.J. Somaiya Campus establishment of the CSU, has now been shifted to Nashik along

with the students and many teaching and non-teaching staff.

CONTENTIONS OF RESPONDENT NOS. 1 AND 2

6. Respondent Nos.1 and 2 have filed their affidavit in reply dated 10th July, 2024, through the Incharge Registrar of Central Sanskrit University, Delhi (CSU). It is contended that the Petitioner neither joined at Bhilwara, Rajasthan, nor at Vrindavan, Mathura. It is in violation of her service contract. There was no vacancy at K.J. Somaiya Campus University, Mumbai since a Guest Teacher was inducted in her place. She is an Employee of MDASM and not of CSU. There is no equivalence between these institutions. MDASM is a private educational institution and salary grants are provided by the Government of India. Respondent No.2 is the Central Government University through which the grants are made available to MDASM.

7. It is specifically pleaded in Paragraph Nos.12 and 13, as under :-

“12. The Petitioner is one of the employees of this private institution, viz., Mumba Devi Adarsh Sanskrit Mahavidyalaya, Mumbai and not at all equivalent or

relatable to the employees of Rashtriya Sanskrit Sansthan and its campuses or of Govt. of India. Her services are governed by the conditions laid down in the Scheme itself. As a measure to provide safety of employment as far as possible to teachers in those institutions, recognized as Adarsh Sanskrit Mahavidyalayas, the scheme conditions has been improved from time to time, as per the Present Scheme of 2023', Para 65(c), "The CSU will maintain Surplus Cell for the employees of ASM/ASSS. In case of any employee declared surplus in any ASM/ASSS, for the reason of abolition of the post for want of students, liquidation of the institutions or closing of any department, his/her services may be utilized in any other ASM/ASSS if any vacancy arises in that ASM/ASSS".

13. Further, under the Scheme Paras 79-82, Central Sanskrit University has full powers to review and re-evaluate the institution and ensure compliance of the conditions of the Scheme. If the conditions are not complied, it can take all remedial measures, which includes stopping of financial assistance temporarily or permanently. The measures that can be taken are temporary as well as permanent. In exercise of the above powers, a High Power Committee visited the Mumba Devi Adarsh Sanskrit Mahavidyalaya, Mumbai institution on 12.10.2023, interacted with every Teacher and Student of the institution, including the Petitioner and inter alia, observed :-

(i) the space provided by the Parent Body of the institution is inadequate to conduct remedial classes, co-curricular and extra-curricular activities;

(ii) The Committee interacted with the students and staff on one to one basis;

(iii) noted the declining academic standards;

(iv) the problems faced by the students with

regarding hostel and food facilities

(v) Mrs. Reshu Singh's interaction with the students somehow did provoke the students to go for agitation;

(vi) Lack of cordial relationship among teachers, which is affecting the integrity and brotherhood among the students, spoiling the culture and atmosphere in the institution

And finally recommended the atmosphere at MDASM is not enough conducive for being a prospective education institution and given the situation, the academic activities may be suspended for a semester or an academic year and suggested some long term measures.

In pursuance of the above recommendations, Respondent No.2 University has promptly responded to the problems in the Respondent No.4 institution, keeping in view the best interests of students and staff, CSU conveyed to the Respondent Nos.3 & 4, MDASM to suspend all academic activities and transfer the staff elsewhere, as per the vacancies available in other ASMs, as per Adarsh Scheme, 2022 guidelines."

REJOINDER AFFIDAVIT OF THE PETITIONER

8. The Petitioner has preferred an affidavit in rejoinder dated 27th July, 2024. She has relied upon 'THE SCHEME FOR FINANCIAL ASSISTANCE TO INSTITUTIONS RECOGNIZED AS ADARSH SANSKRIT MAHAVIDYALAYAS (ASM)/ ADARSH SANSKRIT SHODH SANSTHANS (ASSS) -2022'. It is

canvassed that Respondent No.4 could not have transferred the Petitioner either to Bhilwara or Mathura, considering that all the students of the college were transferred to Nashik. Respondent Nos.1 and 2 have taken a stand that she was not their Employee and was an Employee of Respondent Nos.3 and 4. Since she had lodged a complaint against Dr. Manoj Kumar Dubey on account of sexual harassment, the ICC has strangely concluded that they cannot decide whether the incident occurred and, hence, no action was taken against Dr. Manoj Kumar Dubey and the proceedings were closed. Instead, the Petitioner was subjected to action of transferring her to such a place that she would be made to suffer hardships and grave inconvenience.

9. It was further canvassed that the order of transfer indicates that it was a 'temporary' transfer. Subsequently, the Petitioner noticed that the students and the faculty of MDASM and K G Somaiya College, were shifted to Nashik by CSU. She is a part of MDASM. The Petitioner, being a permanent Employee, could have been shifted at K.J. Somaiya Campus University, Mumbai which is shifted to Nashik and the Guest Teacher at the said location had to make way for the Petitioner in view of Rule Nos.37, 57 and

58. The affidavit in reply indicates that the transfer was ‘punitive’ by pressing into service, Rule 65(c). This admission itself entitles the Petitioner to the reliefs sought in the Petition. The Petitioner could not have been denied accommodation at K.J. Somaiya Campus University, Mumbai at Nashik in the light of the scheme of 2022, on the pretext that a Guest faculty was discharging duties.

10. It is further canvassed that the K.J. Somaiya Campus University, Mumbai is now shifted to Nashik vide the notification dated 26th July, 2024. Hence, the Petitioner is ready and willing to join the said establishment at Nashik.

ANALYSIS AND CONCLUSIONS

11. Mr. Govind Pandey is the Incharge Principal of Mumba Devi Adarsh Sanskrit Mahavidyalay (MDASM). He contends that the ICC had arrived at an appropriate decision of closing the complaint. The report of the High Power Committee (HPC) compelled the Authorities to suspend academic activities in MDASM. The MDASM is financed by the CSU and all rules and regulations are framed by Respondent No.2.

12. He has then stated that the present campus of MDASM has been shifted to Nashik and hence, there is no question of accommodating the Petitioner at Mumbai. So also, she can be accommodated, being a part of the Adarsh Scheme, in any college run under the Adarsh Scheme. She is not entitled for the salary during the intervening period since she has not reported for duties earlier at Bhilwara, Rajasthan and now at Mathura.

13. We find from the record before us that the MDASM has been shifted to Nasik. Even the K J Somaiya college operated by the CSU is admittedly shifted to Nasik. It is conceded that a Guest Teacher was engaged in place of the Petitioner after she was 'temporarily' transferred. The word 'temporary' emerges from the transfer order.

14. Respondent nos. 1 and 2 have contended that the Petitioner is the employee of Respondent no. 3 (MDASM). She has been transferred by MDASM on temporary basis, initially to Bhilwara and then to Mathura. Per contra, the MDASM and the K J Somaiya college have been shifted to Nasik. The Petitioner was appointed by MDASM under the scheme operated by the CSU. The

whole lot of students whom the Petitioner was teaching, have also been shifted to Nasik. In place of the Petitioner, a Guest Teacher has been installed. There can be no debate that a Guest Teacher cannot be appointed in place of a permanent Teacher like the Petitioner, by temporarily transferring her. Moreover, the Respondents have admitted that the complaint of the Petitioner against a male co-teacher, created a controversy and the Police had come to the College. So also, strangely enough, the complaint of the Petitioner under 'POSH', was closed on the spacious plea that the ICC cannot take a decision on the complaint. If the ICC cannot take action on a serious complaint under POSH against a male employee, less said the better about the protection of female employees at workplaces.

15. The first transfer order dated 30.10.2023, on the direction of the CSU dated 28.10.2023, has been issued by the MDASM. The Petitioner has been temporarily transferred to the Sanskrit College at Bhilwara. The reason cited is that the staff of MDASM is being temporarily used in other Adarsh Sanskrit Mahavidyala in the Campuses of the CSU. A peon namely Ramasare Dhuria was directed to work with the incharge Principal of MDASM premises, or, K J Somaiya Campus Central Sanskrit

University at Mumbai. Later on, this college was shifted by the CSU to Nashik along with the students of MDASM and the said peon. Thereafter, the MDASM referred to the letter of CSU dated 07.11.2023, and issued the temporary transfer office order dated 08.11.2023, temporarily sending the Petitioner to the ASM at Mathura. However, her salary was directed to be released from MDASM Mumbai, during the period of her temporary transfer. What appears from the record is that the MDASM issued the first temporary transfer order and then issued the second temporary transfer order. The first order, therefore, lost its efficacy. The CSU then directed her vide letter dated 23.11.2023 to report for duties at Mathura.

16. In Writ Petition No.1238 of 2024, this Court concluded by Judgment dated 6th May, 2025 that the Petitioner was exploited by the Management (MDASM) by keeping her on probation for 7 years and declining to grant her regularisation. She was entitled to be regularised under the scheme of CSU. It was by the Judgment of this Court, that the Petitioner was granted permanency. Her complaint under POSH also triggered a reaction, which is admitted in the affidavit-in-reply and the Management issued the impugned

temporary transfer order. So also, the students were shifted to Nasik and the college was also shifted to the same place.

17. In these circumstances, it is evident from the record, the facts and the circumstances, that the temporary transfer order is unsustainable and unjustified. No teacher can be treated in this manner, and surely not a lady teacher. Her child of 3 years of age, is under medication and needs treatment. A serious allergy could create complications. The distance between Nashik and Mumbai can be conveniently covered by the Petitioner if she is posted at Nashik, and more so, when the impugned transfer order is ‘temporary’.

18. Hence, **this Petition is partly allowed** in terms of prayer clause ‘(a)’. The impugned transfer orders dated 08.11.2023 and 23.11.2023 are quashed and set aside. Considering the willingness of the Petitioner, we direct Respondent no. 3, in consultation with Respondent no. 2, to accommodate the Petitioner in the college at Nasik, with effect from 01st August, 2025.

19. As regards the prayer for back-wages, we realise that involuntary unemployment was foisted on the Petitioner. She could

not join at Bhilwara, from which place she was transferred to Mathura, due her unavoidable circumstances. However, her husband is in employment and she does not face a financial crisis. Moreover, the financial condition of the Institution also has to be considered, coupled with the fact that the Petitioner is appointed under the scheme operated by the CSU. Therefore, towards back wages, we are granting 50% of the salary and all emoluments, from the date she was deprived of academic responsibilities till 31st July, 2025. The said amount shall be paid by the authority that draws her salary, on or before 31.07.2025.

20. In so far as prayer clause (d), we direct the Management, to issue notice for re-opening the POSH case, to all the stakeholders, within 15 days from today. By considering the explanation of all concerned, the ICC shall take a decision on the re-opening of the POSH complaint filed by the Petitioner, in which case, the POSH complaint shall be taken to a logical conclusion.

21. Rule is made partly absolute in terms of the above directions.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)