

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13th DAY OF NOVEMBER, 2015

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

WRIT PETITION NO.47537 OF 2015 (GM-RES)

Between:

Mrs. Anita Ravindra G R,
W/o Mr. Ravindra M S,
Aged 48 years,
Residing at # B-2/10,
Near Bisilu Maramma Temple,
Vagdevingar – Gangothri Layout,
Mysuru – 570 009.

...Petitioner

(By Shri Jayna Kothari, Adv.)

And:

1. Sexual Harassment Complaints
Committee and Women & Child
Welfare Commission,
Deputy Commissioner's Office,
Department of Women and
Child Development, Mysuru – 570 014,
Represented by its Chairperson.

2. Principal,
Regional Institute of Education,
Demonstration Multipurpose School,
Regional Institute of Education,

Mysuru – 570 006.

3. Chairperson, Women’s Cell,
Regional Institute of Education,
Demonstration Multipurpose School,
Regional Institute of Education,
Mysuru – 570 006.

4. Commissioner for Persons with
Disabilities, No.55, 2nd Floor,
“Abhaya Sankerna”, Resaldar Street
(Plat Form Road), Karnataka Slum
Development Board Building,
Sheshadripuram, Bengaluru – 560 020.

5. National Council of Educational
Research and Training, Ministry of
Human Resource & Development,
Sri Aurobindo Marg, New Delhi – 110 016,
Represented by its Director.

6. Karnataka State Women’s Commission,
No.107, Cauvery Bhavan, 1st Floor,
KHB Building, K G Road,
Bengaluru – 560 009,
Represented by its Chairperson.

7. Mr. Rajkumar Tomar,
S/o Khajana Singh,
Aged about 61 years,
Residing at # 33, RMP Layout,
Vijayanagar IV Stage,
Mysuru – 570 002.

8. Mr. Radhakrishnan C,
Working as P.G.T in English,

DMS-RIE, Manasagangothri,
Mysuru – 570 006.

...Respondents

(By Shri M I Arun, AGA for R1, R4 and R6;
Notice to other respondents d/w v/o dtd.13.11.2015)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India, praying to quash the order passed by R1 dated 23.06.2014 vide Annexure AA and etc.,

This Petition coming on for preliminary hearing this day, the Court made the following:-

ORDER

Heard the learned counsel for the petitioner.

The petition is considered for final disposal having regard to the circumstances of the case at the preliminary hearing.

The learned Government Advocate is directed to take notice for the respondent Nos.1, 4 and 6. The notice to other respondents is dispensed with.

The long and short of the petitioners' complaint is that the petitioner had filed a complaint against respondent Nos.7 and 8 alleging sexual harassment at the work place.

The petitioner is employed in an institution which is a government undertaking. It transpires since there was no committee appointed as required under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the petitioner had approached the local committee appointed under Section 6 of the Act. In spite of the complaint no action having been taken the petitioner was constrained to file a second complaint and pursuant to which a meeting having been convened of the committee and the petitioners' complaint has been summarily rejected on the ground that the committee had no jurisdiction to consider the complaint. There is no reason forthcoming in the manner in which committee has expressed the opinion that it had no jurisdiction. Therefore, since the order by which the petitioners' complaint has been rejected is a non speaking order, the petition is summarily allowed. The matter is remanded to the committee to address the reasons in

forming an opinion that the committee is without jurisdiction, in addressing the complaint of the petitioner. On the face of it, the learned counsel seeks to demonstrate that the complaint is well within the jurisdiction of the committee. It is for the committee to address the complaint specifically and give reasons for forming an opinion that it is without jurisdiction. If it is found that it has the jurisdiction, the committee shall address the complaint on merits and dispose of the same in accordance with law with expedition. The first complaint was filed as early as in the year 2012. Therefore, if really the petitioner is suffering from sexual harassment, the same should not continue indefinitely and hence the committee is duty bound to address the complaint of the petitioner on all aspects with expeditiously, since the Act also prescribes a timeframe of 90 days, to dispose of such a complaint, it is imperative that the committee consider the complaint at the earliest

and certainly well before 30 days from the date of receipt of the present order.

**Sd/-
JUDGE**

ykl