



*IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION*

*WRIT PETITION NO. 8899 OF 2021*

Kalpana Suraj Jagtap  
Aged: 46 Years, Occu:Service  
Residing at:7/139, Manabai Sadan  
GK Road, Near Apna Bazar  
Dadar East, Mumbai – 400 014.

...Petitioner

Versus

1. The State of Maharashtra  
Through Principal Secretary  
Home Department [Ports & Transport]  
Mantralaya, Mumbai 400 032.
2. The Maharashtra Maritime Board  
through its Chief Executive Officer,  
having office at Indian Mercantile Chambers  
3<sup>rd</sup> Floor, 14 Ramjibhai Kamani Marg  
Ballard Estate, Mumbai – 400 001.
3. Suraj Ramakant Naik  
Aged : Adult, Occu:Working as  
Regional Port Officer, MMB  
Vengurla Group of Ports, Vengurla  
District – Sindhudurg  
Residing at Bhaveshwar Mansion  
A-1, 1<sup>st</sup> Floor, Cross Road No.3  
Dilip Gupte Road, Shivaji Park  
Dadar (West), Mumbai – 400 016.

...Respondents



Mr. Rajeshwar Panchal for the Petitioner.

Ms. Savita Prabhune A.G.P. for the Respondent No.1-State.

Mr. S. S. Panchpor for the Respondent No.2.

Ms. P. J. Gavhane for the Respondent No.3.

***CORAM: BHARATI DANGRE &  
MANJUSHA DESHPANDE, JJ.***

***DATE : 6<sup>th</sup> MAY 2026***

***JUDGMENT (Per Manjusha Deshpande, J.) :***

1. This writ petition raises challenge to the report dated 25<sup>th</sup> July 2012 submitted by the newly constituted Committee (Sexual Harassment at work place Committee), as per the guidelines laid down by the Hon'ble Supreme Court in the judgment in the case of ***Vishaka and Others vs. State of Rajasthan and Others***<sup>1</sup>, pursuant to the complaint filed by the petitioner on 9<sup>th</sup> August 2010.

2. This report has been challenged by the petitioner on the ground that, already a report on her complaint about allegations of sexual harassment was submitted on 15<sup>th</sup> March 2011, finding substance in the allegations of the petitioner. Instead of proceeding

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<sup>1</sup> (1997) 6 SCC 241



further on the basis of the said report, the respondent No.2 has reconstituted the Committee and has procured a fresh report which absolved the respondent No.3 of the allegations of sexual harassment.

3. The petitioner is also challenging the charges of misconduct of absenteeism levelled against her on the ground that the charge-sheet is unsustainable, since the Maharashtra Civil Services (Discipline and Appeal Rules), 1979 (for short 'MCS (D&A) Rules') are not applicable to the petitioner, since she is not a government servant.

4. The brief facts leading to the filing of the writ petition can be summarized as under:-

a) The petitioner came to be appointed to the post of Port Inspector on 2<sup>nd</sup> February 2010 by respondent No.2 and was posted at Mandwa Port;

b) While working at Mandwa Port it is alleged that she became a victim of sexual harassment at the hands of



respondent No.3 who was her superior officer;

c) It is alleged by her that respondent No.3 used to call her in his cabin in late evenings, sent inappropriate messages (including one on 5<sup>th</sup> March 2010 declaring his love and seeking response), and made repeated phone calls at odd hours. When she refused his advances he threatened her and started issuing memos on the pretext of negligence in duty;

d) The petitioner lodged a complaint on 9<sup>th</sup> August 2010, which was referred to the Internal Complaints Committee (hereinafter referred to as 'the Committee') who after conducting an enquiry submitted a fact finding report on 15<sup>th</sup> March 2011, holding respondent No.3 responsible for sexual harassment of the petitioner;

e) Despite the Committee's fact finding report holding that the allegations stand proved, the respondent No.2 constituted a new Committee for holding the enquiry into allegation of sexual harassment. The newly constituted Committee submitted a fresh report on 25<sup>th</sup> July 2012, holding



that allegations against the respondent No.3 are not proved. In the meanwhile, petitioner has made several representations requesting to give her justice by taking action against the respondent No.3 and also requesting to transfer her to any other place, where the respondent No.3 was not working or having any supervisory control. Her representations did not yield any positive response, on the contrary a charge-sheet came to be issued against her dated 8<sup>th</sup> February 2016, alleging the petitioner for misconduct of absenteeism under Rule 8 of MCS (D&A) Rules;

f) In response to the memorandum of Articles of charges, the petitioner submitted her response. After waiting for considerable period for the response of respondent No.2, the petitioner approached Maharashtra Administrative Tribunal (for short 'the MAT') raising her grievance by filing O.A. No.1068 of 2018. However, she was required to withdraw the same on 10<sup>th</sup> January 2019, due to lack of jurisdiction;

g) The petitioner thereafter approached this Court by



filing a Writ Petition (Stamp) No.30977 of 2019, which was allowed to be withdrawn with liberty to file a fresh petition vide order dated 3<sup>rd</sup> March 2021. Hence, pursuant to the liberty granted by this Court the petitioner has filed the present writ petition.

5. The learned advocate for the petitioner Mr. Rajeshwar Panchal submits that the charge-sheet dated 8<sup>th</sup> February 2016 issued against the petitioner is wholly unsustainable as it has been issued by invoking Rule 8 of the MCS (D&A) Rules, which are not applicable to the petitioner, since she is not a government servant, as such the respondent No.2 cannot proceed against her under the said Rules.

6. So far as the charge of absenteeism levelled against her is concerned, it is factually incorrect and false, since she was already sanctioned leave upto 9<sup>th</sup> July 2011 and her absence from the duty was not willful, but due to the situational constraints on account of her pending complaint against the respondent No.3, therefore, it could not



have been treated as unauthorised absence.

7. As regards the report dated 25<sup>th</sup> July 2012, it is submitted that this report is without jurisdiction, since the respondent No.2 had no power to reconstitute a second enquiry committee after submission of report by the first committee on 15<sup>th</sup> March 2011. The constitution of the second committee was only with a view to save the respondent No.3, which finds support from the fact that, the report of the previous committee dated 15<sup>th</sup> March 2011, has given positive finding on the allegation of sexual harassment against the petitioner, whereas the subsequently constituted committee has absolved the respondent No.3, by holding that allegations against respondent No.3 were not proved. It is submitted that by doing so the Committee has exercised powers of review not vested in it by law. It is settled position of law that, without any enabling provision, the decision of the respondent No.2 to reconstitute a Committee is void.

8. It is submitted that her request made to the respondent



No.2, addressing various representations fell on deaf ears of the authorities. According to the learned advocate, the petitioner was experiencing mental trauma, therefore, she was not in a position to attend her duties more particularly, due to her pregnancy. Ignoring her request, repeated orders were issued directing the petitioner to join her duties at the same place i.e. at Mandwa Port where she became victim of sexual harassment. The memorandum of articles of charge against the petitioner discloses that, she has been alleged of misconduct owing to her continuous absence from her duty, this absence allegedly commenced from 21<sup>st</sup> September 2010 till the issuance of the communication dated 8<sup>th</sup> February 2016, she has been called upon to submit her response, explaining her unauthorised absence from duty, which amounted to misconduct.

It is submitted that the petitioner who was working as a Port Supervisor, was sanctioned a pre-natal leave from 21<sup>st</sup> September 2010 to 10<sup>th</sup> October 2010, and post maternity leave from 11<sup>th</sup> October 2010 to 10<sup>th</sup> April 2011, therefore the allegation that she has remained absent without obtaining prior permission from the



authorities from 21<sup>st</sup> September 2010, was out rightly contrary to the records.

Reliance is also placed on the communication dated 28<sup>th</sup> September 2011, wherein the Regional Port Officer, Mora Port Group, Thane, has sanctioned hold of 90 days from 11<sup>th</sup> April 2011 to 1<sup>st</sup> July 2012. It is thus evident that the petitioner has not only informed but also has sought permission from the superior authorities granting her leave from 21<sup>st</sup> September 2010 upto 1<sup>st</sup> July 2012. Thus, there is no substance in the allegations about absenteeism and avoidance to join her duties.

The petitioner still stands by her defence that, she was restrained from joining her duties on account of the situational constraints hence she could not join unless respondent No.3, was transferred from the office, where she was working. It is only because of the respondent Nos.2 and 3, she was restrained from discharging her regular duties as a Port Officer inspite, of her willingness to do the same, thus there is no merit in the allegation levelled by the respondent Nos.2 and 3.



9. On the background of the aforementioned facts and circumstances, the learned advocate submits that the report dated 25<sup>th</sup> July 2012, submitted by the newly constituted Committee be declared erroneous and illegal with a prayer to quash and set aside the same. According to him even the charge-sheet dated 8<sup>th</sup> February 2016, based on the allegations of absenteeism, deserves to be set aside. Infact the petitioner should be allowed to resume her duty where the respondent No.3, is not working as per the mandate of law laid down by the Hon'ble Supreme Court in the case of *Vishaka (Supra)*.

10. Per Contra the learned advocate appearing for the respondent No.2 Mr. Panchpor submitted that, the writ petition filed by the petitioner suffers from delay and latches. The petition was filed on 19<sup>th</sup> March 2021 i.e. nearly nine years after filing of the report dated 25<sup>th</sup> July 2012. The petitioner has not explained the inordinate delay caused in approaching this Court. The petitioner has projected a distorted picture of facts. She has remained absent from her duty without sanction or permission from the competent authority. Even



though she was called upon to join her duties vide communication dated 28<sup>th</sup> February 2012, 19<sup>th</sup> July 2012 and 1<sup>st</sup> August 2012, 9<sup>th</sup> August 2012, 18<sup>th</sup> December 2012 and 3<sup>rd</sup> April 2013, the petitioner has refused to join. She has herself informed on 2<sup>nd</sup> January 2012, that she would not resume duty unless her complaint is decided. He further submits that since a complaint was made by the respondent No.3 that the Committee's report dated 15<sup>th</sup> March 2011, was an *ex parte* report without granting any opportunity of hearing to him, in order to grant fair opportunity of hearing to the concerned parties in adherence to the principles of the natural justice, the Committee was reconstituted on 18<sup>th</sup> June 2012, which has given equal opportunity to both the parties and has recorded that no evidence is found in support of the allegations in its report dated 25<sup>th</sup> July 2012.

This report speaks for itself, the Committee in its report has recorded the charges against the respondent No.3; the allegations made by the petitioner; the response of the respondent No.3 in his defence and remarks of the Committee in a tabular form, which is self-explanatory. The Committee did not find any merit in the allegations



made by the petitioner. After recording the evidence during the proceedings and on the basis of the evidence produced during the enquiry, a conclusion is drawn by the Committee. The report of the Committee being a fact finding report does not deserve any interference by this Court.

11. The petitioner has refused to join duties inspite of repeated communications addressed to her. She has failed to join her duties after completion of her maternity leave. Therefore, the respondent No.2 has rightly issued her a show-cause notice under Rule 8 of the MCS (D&A) Rules), 1979, calling upon her to explain why she should not be removed from the service due to deliberate absenteeism and refusal to discharge her duties, in view of the fact that the said enquiry is still pending, any interference by this Court is unwarranted. It is also pointed out that the respondent No.3, had also complained about the absenteeism of the petitioner with a further request to transfer her at any place as per her request.

Although the petitioner was specifically directed by letter



dated 3<sup>rd</sup> April 2013, to immediately join her duties, instead of joining her duty, she had informed the respondent No.2, that she has lost interest in the service as her grievance of mental and sexual harassment is not being properly redressed by respondent No.2. Infact when the Committee submitted its report on 25<sup>th</sup> July 2012, which was forwarded to the petitioner, respondent No.3 was no more working at the Mora Port Group, therefore, there was no reason for the petitioner not to join the service after submission of report by the Committee.

12. The delay in challenging the action of the respondent No.2 has not been appropriately explained. The petitioner has failed to give satisfactory explanation as to what prompted her to continue making representations instead of approaching this Court, when already her first challenge met with an order of dismissal before the MAT for want of jurisdiction. Thus, challenge to the report dated 25<sup>th</sup> July 2012 by filing a writ petition in the year 2021, indicates the lethargic approach of the petitioner, which does not deserve any consideration.



13. It is thus submitted that, considering that there is a deliberate absenteeism from work for which the enquiry is still pending, there is no reason why interference should be caused in the pending enquiry, by this Court.

14. The learned advocate Ms. Gavhane representing the respondent No.3, relying on the reply affidavit would submit that, she raises a preliminary objection, to the delay caused in approaching this Court, which according to her does not deserve to be condoned and the petition needs to be dismissed in *limini*. She submits that when the complaint was filed by the petitioner the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (hereinafter referred to as 'the POSH ACT, 2013') was not enacted, therefore the complaint was decided in accordance with the guidelines issued in the case of *Vishaka (Supra)*. Various instances about the lapses while discharging her duty are relied by the respondent No.3 to contend that on account of the dereliction in duties by the petitioner, the respondent No.3 was constrained to issue a memo dated 20<sup>th</sup> July



2010, to the petitioner calling upon her to explain why disciplinary action should not be initiated against her. A report is also submitted about her absenteeism to the Chief Executive Officer of the respondent No.2 on 21<sup>st</sup> July 2010, as a counterblast the petitioner has filed a complaint against the respondent No.3.

15. Before the Committee which was constituted to enquire into the allegations of the petitioner, although the respondent No.3 had requested for time for being represented through an advocate, the Committee had decided the proceedings *ex parte* by recording that respondent No.3 has indulged in sexual harassment. This complaint about denial of opportunity to hear him was entertained by the respondent No.2, and accordingly, after passing orders of reconstituting the Committee, a fresh report dated 25<sup>th</sup> July 2012 is submitted by granting the respondent No.3 a fair opportunity to represent his case.

It is submitted, in fact the petitioner has failed to point any specific instance about the alleged sexual harassment in her complaint



dated 9<sup>th</sup> August 2010. Vague allegations about mental trauma as a result of show-cause notice issued to her and citing reasons of her ill health due to pregnancy are put forward by the petitioner with a request to transfer her temporarily at Thane Office.

After reconstitution of the Committee the statements of the other staff members as witnesses, have been recorded and the Committee has held in its finding that, no such instances have ever happened as alleged, in such circumstances, there is no reason for this Court to interfere with the finding of the Sexual Harassment Committee, which is recorded after following appropriate procedure with due consideration to principles of natural justice.

16. We have heard all the respective advocates and we have also perused the original records produced by the respondent No.2. We are called upon by the petitioner, to record our finding on the correctness of the procedure undertaken by the respondent No.2 whereby the Committee for Sexual Harassment at work place has been reconstituted to enquire in to the allegations of sexual harassment



made by the petitioner. While the first report dated 15<sup>th</sup> March 2011 was still subsisting, the reconstitution of the committee and its validity has been questioned.

17. It is not in dispute that the POSH ACT, 2013 was not in existence when the complaint was filed by the petitioner. The only mechanism available were the guidelines issued by the Hon'ble Supreme Court in the case of *Vishaka (Supra)*. These guidelines and the norms have been prescribed by the Hon'ble Supreme Court in exercise of its power under Article 32 of the Constitution for enforcement of fundamental rights, emphasizing that those would be treated as law declared by the Hon'ble Supreme Court under Article 141 of the Constitution of India. These guidelines contain the preventive steps that the employers were bound to take for prevention of such untoward incidences of sexual harassment. It provide complete mechanism for entertaining the complaints, the complaints Committee being headed by a women and that not less than half of the members of the such Committee are women. These guidelines did not contain a



provision for review of the orders passed by the Committee or for any reconstitution of the Committee.

18. Upon perusal of the original record produced before us, we find that the Committee was constituted on 12<sup>th</sup> August 2010, it was required to be reconstituted on 16<sup>th</sup> August 2010, due to unavailability of the Chairman as well as the Secretary of the Committee, with a rider that the Committee shall work under the supervision of Senior Administrative Officer in the Department.

Thereafter the petitioner was issued a notice to explain the allegations in her complaint. She remained present before the Committee on 18<sup>th</sup> August 2010, after considering her explanation the hearing was adjourned to 26<sup>th</sup> August 2010. On 29<sup>th</sup> October 2010, it is recorded by the Committee that the respondent No.3 has admitted to have received the necessary documents demanded by him on 27<sup>th</sup> October 2010, however, he has requested for some more time to peruse the documents and tender his explanation. At his request, the enquiry was further adjourned by twenty days. On 16<sup>th</sup> November



2010, the respondent No.3 did remain present before the Committee but he refused to answer the questions by the Committee. The attorney of the respondent No.3 was present without obtaining any prior permission from the Committee, therefore, he was not allowed to address the Committee. As per the schedule two witnesses i.e. Mr. M. L. Hole and Mr. Zapate were summoned on 10<sup>th</sup> December 2010. The Deputy Engineer Mr. Devre was also examined on 14<sup>th</sup> December 2010; on 28<sup>th</sup> December 2010 the petitioner was summoned for cross-examination which was conducted in the presence of all the members of the Committee. The Administrative Officer Mr. Dalvi was summoned before the Committee on 22<sup>nd</sup> February 2011.

19. After taking into consideration the statements of the witnesses as well the documents such as the messages exchanged between the petitioner and the respondent No.3 along with other documents, the Committee has recorded in its finding that though the allegations of misbehavior of the respondent No.3 implying demands of sexual favours and making sexually coloured remarks are not



capable of being proved by adducing evidence. At the same time, fact remains that such conduct do not usually take place in presence of a third person, therefore, it is difficult to prove such allegations. It is further recorded that, there appears to be some substance in the allegations made by the petitioner, she being a subordinate of the respondent No.3, he was definitely in a commanding position, who could pressurize the petitioner to secure sexual favours from her, which is a matter of serious concern and a misconduct. With these observation the Report was directed to be placed before the Disciplinary Authority for his perusal and further action.

During the course of hearing the learned advocate for the respondent No.2 has brought to our notice the communication of the respondent No.3 dated 28<sup>th</sup> February 2011, addressed to the respondent No.2 raising objection to the constitution as well as proceedings before the Committee, bringing it to the notice of the respondent No.2, that all the members of the Committee are Class – III Officers, whereas he is a superior gazetted officer, hence, it is against the service jurisprudence to conduct his enquiry by the subordinate



officers, resultantly requesting the respondent No.2 to personally look into the matter and redress his grievance. He had also raised a grievance vide communication dated 21<sup>st</sup> December 2010, regarding denial of permission to his lawyer to represent him before the Committee during the enquiry, which has resulted in deprivation of his right of defence before the Committee. As a result, when the report was placed before the respondent No.2, he has considered the grievances raised by the respondent No.3 and decided to partially modify the constitution of the Committee by issuing an office order dated 18<sup>th</sup> June 2012, directing the Financial Controller and Chief Auditor to supervise the proceedings. Thereafter, both the parties were summoned in the office of the Controller and Chief Auditor. In response to which respondent No.3 appeared, however, the petitioner was unable to remain present due to her ill health.

The petitioner appeared before the Committee on 13<sup>th</sup> July 2012, and her only request was to decide her complaint as early as possible without any delay.

During the course of proceeding before the Committee,



three officers from the Mora Port viz. Smt. Kamble, Smt. Roshni Koli and Shri L. G. Tari were summoned and their statements came to be recorded. All these officers have given certificate of good character to the respondent No.3 and have also stated before the Committee that, they have not given such certificate under any duress or pressure and they stand by the certificate issued by them.

The report dated 25<sup>th</sup> July 2012, is prepared in a tabular form containing the charges against the respondent No.3; the grounds on which such allegations are made by the petitioner; the explanation given by the respondent No.3 and the remarks by the Committee. The charges against the respondent No.3 are divided under seven different heads; to which explanation and justification is offered by the respondent No.3. As regards the allegation of the petitioner about keeping her engaged beyond the office timings in his office by the respondent No.3, it is held that the statements of senior women colleagues working in the same office have been recorded by the Committee, who had no such grievance, on the contrary they have certified about the good character of respondent No.3. Hence, the



charge is not proved.

About the allegations of the petitioner regarding sending of unwanted messages and making calls to the petitioner, it is held that the petitioner and respondent No.3 appear to have exchanged messages and nothing beyond that. With regard to the allegation of the petitioner that on one occasion the respondent No.3 had made her a call, in the late evening between 8:00 to 9:00 p.m. insisting upon her to bring certain official documents to be handed over to him, while he halted his car at some distance from her residence, when she arrived he made her sit in his car, and also passed unwarranted remarks. While deciding this charge, it is held by the Committee that during the enquiry it transpired that, the respondent No.3 did not use the official car nor did he own any four wheeler vehicle, hence, the said allegation could not be proved. As such none of the charges against the respondent No. 3 could be proved.

We have perused both the reports as well as the original record. The grievance of the petitioner is that irrespective of a report dated 15<sup>th</sup> March 2011, submitted by a duly constituted Committee,



holding that the allegations of sexual harassment are proved, a second Committee is constituted, which has reversed the findings recorded by the Committee in its report dated 15<sup>th</sup> March 2011, which is not permissible. Upon perusal of both the reports, we find that during the first enquiry though the respondent No.3 caused his appearance, he could not defend charges against him. Hence, the Committee proceeded to pass an order, without recording his defence. When a grievance is raised by the respondent No.3, the respondent No.2 has thought it appropriate to redress his grievance, by appointing Controller of Accounts and Chief Accounts Officer, to supervise proceedings of the Committee, without changing other members of the said Committee. Hence, there is no reconstitution of the Committee, but the only change that is made is that proceedings of the Committee are supervised, due to which the grievance of the respondent No.3 was redressed and an opportunity was also afforded to him, to defend the allegations made against him.



20. The other objection raised by the petitioner is that, the second report dated 25<sup>th</sup> July 2012, amounts to reviewing its own decision by the Committee. It is settled position of law that, the powers of review cannot be exercised without any enabling provision. Hence, in absence of any provision of review in the guidelines, in the case of *Vishaka (Supra)* as well as the POSH ACT, 2013, the Committee was not competent to review its earlier decision.

Since, we have already observed that during the first enquiry the respondent No.3 could not defend his case, when he raised a grievance about it, an order was issued by the respondent No.2 by partially modifying the constitution of Committee only to the extent of supervising it by a senior officer and retaining the rest of the members. Thus there was no change in the members who conducted the enquiry, therefore, strictly speaking, there was no reconstitution of the Committee as alleged by the petitioner. The respondent No.3 has appeared before the Committee and resisted the charges levelled against him by adducing evidence. The Committee has recorded its findings on the basis of the evidence adduced by both the parties.



Although the petitioner was granted an opportunity, she did not lead any further evidence, but has merely requested that the Committee should proceed and give its decision as early as possible. Consequently, only after giving an opportunity to both the parties a report dated 25<sup>th</sup> July 2012 has been submitted. The decision of the Committee is a fact finding report based on the evidence adduced by both the parties. We do not find any irregularity in the procedure adopted by the Committee.

In our view the respondent No.2 has adopted the right approach, by granting opportunity to the respondent No.3 to defend the charges levelled against him. The charge of sexual harassment always has a serious impact on a individual, not only in his service career but also on his personal life. Therefore, it is extremely important to give sufficient opportunity to both the sides. The report dated 15<sup>th</sup> March 2011, was indisputably based on one sided evidence led by the petitioner. On this background when a grievance is raised by the respondent No.3, promptly acting on his communication, a senior official is appointed to monitor the proceedings, thereby taking care of



the objection of the respondent No.3. As a result the respondent No.3 has participated in the enquiry and has resisted the charges by adducing evidence. Based on the evidence led by respective parties the report dated 25<sup>th</sup> July 2012 is submitted, which does not suffer from any procedural irregularity.

Although reliance is placed by the learned advocate for the petitioner on the judgment of the Hon'ble Supreme Court in the case of *Union of India and Others vs. P. Thayagarajan*<sup>2</sup>, in support of his contention that no *de novo* enquiry is not permissible, the facts of the present case being totally different, the said decision is not applicable. Hence, no case for causing interference in the impugned report dated 25<sup>th</sup> July 2012 is made out by the petitioner.

So far as her prayer seeking directions to the respondent-authorities to allow her to resume duty where the respondent No.3 is not working or even exercising supervisory control is concerned, similar relief was sought by the petitioner in Interim Application No.15816 of 2024, which is already decided by this Court vide order dated 16<sup>th</sup> March 2026, refusing to issue any such directions and

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<sup>2</sup> (1999) 1 SCC 733



directing the respondent No.2 to take the enquiry initiated against the petitioner to its conclusion within a period of six weeks from the date of the order. Hence, in view of this order even the prayer for resuming the duties by the petitioner, would not survive.

In the wake of the observations made hereinabove, the writ petition being devoid of merits, is dismissed.

*MANJUSHA DESHPANDE, J.*

*BHARATI DANGRE, J.*