

30.11.2021
sayandeep
Sl. No. 39
Ct. No. 05

WPA 14604 of 2021

[Via Video Conference]

Dr. Malabika Mandal
-Versus-
State of West Bengal & Ors.

Mr. Indranil Roy
Mr. Sunit Kr. Roy
..... for the petitioner
Mr. Supriyo Chattopadhyay
Mr. Avishek Prasad
..... for the State
Mr. Kamalesh Dalal
... for the respondent No. 6
Mr. Basudeb Gayen
.... For the respondent no. 7

The prayer of the writ petitioner is for a step to be taken following a memo dated 16th September, 2019 issued by the Chairperson, West Bengal Commission for Women by which the Director, Public Instruction, West Bengal was requested to enquire in the matter of harassment of the petitioner by the Principal of the concerned College and file a report to the West Bengal Commission for Women within 16th October, 2019. Accordingly to the learned counsel appearing for the petitioner, a report filed by the Director of Public Instruction on 3rd February, 2020 being a report of the inspection undertaken by the authority on 14th January, 2020 does not

provide for a fair and effective redress to the grievance raised by the petitioner.

The respondents are represented.

Upon hearing learned counsel and upon considering a document dated 9th September, 2021 of the National Human Rights Commission, directing the Chief Secretary, Government of West Bengal to inform the Commission whether the Internal Complaints Committee under The Sexual Harassment of Women at Workplace Act, 2013 has been constituted to enquire in that regard within six weeks, this Court is of the view that the writ petition may be disposed of with the direction on the respondent No. 2 being the Director of Public Instruction to constitute an Internal Complaints Committee in the concerned College within three weeks from date. The DPI shall ensure that the entire process of constituting the ICC as well as the enquiry shall be free of any possible influence which may be exerted by the Principal of the College against whom the allegation of harassment has been made. The enquiry shall be completed within four weeks from date of constitution of ICC and the results published within two weeks from date on which the enquiry is completed. In the event, ICC

comes to any findings supporting the allegations of the petitioner, expeditious action shall be taken in terms of such findings. It is made clear that the provisions of the 2013 Act along with the relevant Rules shall be taken into account in the enquiry to be conducted by the ICC.

WPA 14604 of 2021 is disposed of in terms of the above order.

A report of the DPI is taken on record.

It is also made clear that in the event any committee has been constituted which is adverse with the directions of this order, the DPI shall take necessary steps to replace the said committee.

(Moushumi Bhattacharya, J.)