

WPA 4180 of 2021

**Chandrani Das & Anr.
Vs.
State of West Bengal & Ors.**

Mr. Rahul Karmakar,
Mr. Abir Lal Chakraborty,
Mr. Barun Kr. Das

...For the Petitioners

Mr. Pratik Dhar,
Mr. Samir Haldar

...For the Respondent No. 8

Mr. Rajarshi Halder,
Mr. Chirantan Sarkar,
Ms. Rupoma Bhattacharjee

...For the Respondent Nos. 5 & 7

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas

...For the State

Petitioner no.1 lodged a complaint before the Internal Complaints Committee, Katwa College on September 12, 2020, against respondent no.8. Petitioner no.1 alleged in the said complaint that she has been sexually harassed in her workplace by respondent no.8. Her mother (petitioner no.2) also lodged a complaint on the said date before the said committee alleging sexual harassment of her daughter by respondent no.8.

The Internal Complaints Committee of the said college by the order impugned dated May 1, 2021, rejected the complaint of the mother on the ground that the same was not maintainable in view of Section 9 (2) of the Sexual Harassment of Women at Workplace

(Prevention, Prohibition and Redressal) Act, 2013 (in short “said Act”). The complaint filed by petitioner no.1 was also rejected on the ground that the same was barred by limitation in view of Section 9 (1) of the said Act.

Initially, it was suggested by the learned advocate for the petitioner that the petitioner wanted to withdraw this writ petition and approach the appellate authority constituted by a notification dated September 6, 2021, to challenge the order impugned in this writ petition.

Subsequently, it has been submitted that in view of Section 18 of the said Act, no appeal lies against an order rejecting a complaint on the ground of limitation.

The petitioner, therefore, is inclined to press this application.

It appears that the complaint was lodged by the petitioners on September 12, 2020. According to the complaint, the last alleged sexual harassment took place on March 5, 2020. In view of Section 9 (1) of the said Act, the complaint could have been filed within a period of three months from March 5, 2020. The period of limitation was condonable for a further period of three months in view of the second proviso to Section 9 of the said Act.

In view of the aforesaid statutory scheme, the complaint relating to an alleged incident of March 5, 2020, could not have been entertained after September 5, 2020. In this case, the complaint was filed on September 12, 2020.

Mr. Rahul Karmakar, learned advocate appearing

for the petitioners places reliance on the orders of the Hon'ble Supreme Court in *Suo Motu Writ Petition (Civil) No. 3 of 2020 (IN RE : COGNIZANCE FOR EXTENSION OF LIMITATION)*.

It is not in dispute by the parties before this Court that by virtue of the order dated March 23, 2020, read with the order dated March 8, 2021, and January 10, 2022, passed in the said writ petition, the limitation period of the present proceeding got extended. The complaint of the petitioner, therefore, was not time-barred.

In that view of the matter, I set aside the order of the Internal Complaints Committee dated January 5, 2021, with a direction to consider the complaint of the petitioner as appearing at pages 25-35 of this writ petition on merit in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Accordingly, WPA 4180 of 2022 is disposed of.

However, I make it clear that I have not gone into the merits of the case. The committee will decide the complaint without being influenced by any observations made in this order.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Kausik Chanda, J.)

