

AD-15
Ct No.09
02.12.2022
TN

WPA No. 3610 of 2016

Anweshha Basu
Vs.
State of West Bengal and others

Ms. Nandini Mitra,
Mr. Sanjay Saha

.... for the petitioner

Learned counsel for the petitioner, in her usual fairness, submits that during pendency of the matter, the alleged perpetrator of the offence of sexual harassment has met his demise. Hence, the writ petition has, for all practical purposes, been rendered infructuous.

However, although the logical culmination of the remedies sought in the writ petition would tantamount to personal penal action against the accused, it has also been broadly apprehended by the petitioner and is evident from the materials on record, that there is reasonable apprehension as to the non-existence of any Internal Complaints Committee under the contemplation of the Sexual Harassment of Women at Workplaces (Prevention, Prohibition and Redressal) Act, 2013 in the relevant Department, that is, the Judicial Department, State of West Bengal.

Hence, although it is beyond the scope of this court, sitting within the limited periphery of a personal cause of action in this writ petition, to decide the broader issue, liberty is granted to the petitioner to prefer a public interest litigation before the appropriate Bench having determination, canvassing the said issue of apparent lack of an Internal Complaints Committee in the Judicial Department, Government of West Bengal and other similar/connected Bodies.

It is made clear that the merits of the case have not been gone into by this court.

Accordingly, WPA No. 3610 of 2016 is disposed of as infructuous.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)