

16.03.2023

ap
38

WPA 2709 of 2023

Dr. Anshuman Saha

Vs.

University Of Calcutta & Others

Mr. Partha Pratim Roy

Ms. Minoti Gomes

Mr. Shibaji Kumar Das

Ms. Rupsa Sreemani

... For the petitioner.

Dr. Madhusudan Saha Roy

... For the University.

Mr. Kallol Basu

Mr. Suman Banerjee

... For the College.

Mr. Sunit Kr. Roy

... For the respondent no. 4.

The petitioner is an Assistant Professor at Charuchandra College, Calcutta. A proceeding under the Sexual Prevention Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (in short, Act of 2013) was initiated against him. In this writ petition, the petitioner has challenged the said proceeding primarily on two grounds. Firstly, it has been contended by the petitioner that as per the regulations, namely UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 (in short, Regulations of 2015), the

term of an Internal Complaint Committee constituted under the said regulation is of three years. In this present case the term of the Committee under the said regulations expired on September 05, 2022. Therefore, the Committee has no authority to proceed against the petitioner under the said Act of 2013. Secondly, it has been contended by the petitioner that the Committee in question had no students' representative as required under the said Regulations of 2015.

It has also been submitted by the petitioner that the Governing Body of the College by an order dated January 28, 2023, suspended the petitioner. Till date the petitioner has not been provided with any subsistence allowance.

Mr. Kallol Basu, learned advocate representing the College does not dispute the aforesaid factual aspects. He submits that the College has already taken steps for disbursement of subsistence allowance in favour of the petitioner, but the petitioner did not submit his non-employment certificate. He further submits that the College will form a new Internal Complainant Committee which shall proceed against the petitioner in terms of said Act of 2013. It has been further submitted by Mr. Basu that the said Committee shall be inclusive of the students' representative.

In view of fair stand taken by the College, there is no justification to keep the writ petition pending. This writ petition is disposed of with the following directions:

- a) The petitioner shall submit his non-employment certificate to the College within a period of seven days from date and the College authority shall take necessary steps to release the subsistence allowance of the petitioner along with arrear within two weeks thereafter.
- b) The College will form an Internal Complainant Committee in terms of Regulations 2015 within a period of one month from date. The petitioner has already submitted his reply before the earlier Committee and there is no necessity to start the proceeding *de novo*. The newly constituted Committee will take into consideration the reply of the petitioner and proceed further to take the proceeding to its logical conclusion, in accordance with the Act of 2015.
- c) This order, however, shall not prevent the petitioner from challenging the order of suspension imposed upon him by the Governing Body of the College.

Accordingly, **WPA 2709 of 2023** is disposed of.

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

(Kausik Chanda, J.)