

24.7.2023

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WPA 16099 of 2023

Anjan Roy Paira
Vs.
Union of India & Ors.

Mr. Anand Keshari
... For the petitioner.

Mr. Pulakesh Bajpayee
... For respondent nos. 1-3

Mr. B. Basu Mallick
Ms. Mrinalini Majumdar
... For the State.

The petitioner's husband has been arrested in connection with Shantiniketan Police Station Case No. 63 of 2023 under Sections 354/354A/354D/506/509/500/376/511 of the Indian Penal Code. He is in now under judicial custody.

The husband is an Associate Professor at Visva-Bharati and the First Information Report maker is a student of the said university.

It appears that the university also has initiated a proceeding under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 against the petitioner's husband.

The petitioner made a representation before the Chairperson, Internal Complaints Committee constituted under the said Act of 2013 for supply of

certain documents. That representation is appearing at page 23 of writ petition.

It has been submitted by the learned advocate for the petitioner that the petitioner should be provided with the documents to effectively defend the proceeding in terms of the said Act of 2013.

The prayer is somewhat unusual. The writ petitioner cannot defend the case on behalf of her husband and while her husband is in the jail custody, the proceedings under the said Act of 2013 cannot also proceed.

In that view of the matter, there is no reason to entertain this writ petition.

However, I make it clear that if the husband of the petitioner is released on bail, and the said Internal Complaints Committee chooses to proceed against him, all documents relied upon by the said Committee should be supplied to the husband of the petitioner in accordance with law.

With the above observations, **WPA 16099 of 2023** is disposed of.

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

(Kausik Chanda, J.)