

14.9.2023
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WPA 20414 of 2023

**Prasanta Kumar Ghosh
Vs.
Visva Bharati University & Ors.**

Mr. Biswaroop Bhattacharya
Mr. Pratik Mazumdar
Mr. Ayan Chakraborty
Ms. Debjani Kundu
Ms. Sohini Mukherjee
... For the petitioner.

Mr. Soumya Majumdar
Mr. Victor Chatterjee
... For Visva Bharati.

Mr. Suman Banerjee
Mr. Souma Bhattacharya
Mr. Atanu Bhattacharya
... For respondent no. 6.

A proceeding under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was initiated against the petitioner. The Internal Complaints Committee filed its report on August 30, 2022 giving certain recommendations against the petitioner.

Following the recommendations, the University initiated a disciplinary proceeding against the petitioner by filing a charge sheet on May 22, 2023.

Mr. Biswaroop Bhattacharya, learned advocate appearing for the petitioner, submits that the report of the enquiry committee was not served upon the petitioner so as to enable him to prefer a statutory appeal against the recommendation of the committee.

Mr. Soumya Majumder, learned advocate appearing for the university does not dispute the said fact. Admittedly, the committee report was served upon the petitioner along with the charge sheet.

It has been submitted by the learned advocate appearing on behalf of respondent no. 6 that there is no provision for condonation of delay in preferring an appeal against the recommendation of Internal Complaints Committee.

I am of the view that to give an opportunity upon the petitioner to prefer an appeal in terms of University Grants Commission (Prevention, Prohibition and Redressal) Sexual Harassment of Women at Workplace, a copy of the recommendation of the committee ought to have been served upon him.

In that view of the matter, I grant liberty upon the petitioner to prefer an appeal against the recommendation of the committee before the appropriate authority within a period of four weeks from date.

The disciplinary proceeding initiated against the petitioner shall remain stayed for a period of six weeks from date. The further extension of stay order shall be subject to the decision of the appellate authority. The appeal should be disposed of within a period of four weeks from the date of filing.

In deciding the appeal, the appellate authority will not be influenced by the fact that on the basis of recommendation of the Internal Complaints Committee that it is decided to initiate disciplinary proceeding against the petitioner.

Accordingly, **WPA 20414 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.)