

18.12.2023
Sl. No. 16
Suman
Ct.No.238.

WPA 25864 of 2023

Mrinal Mukherjee
Vs.
The State of West Bengal and Ors.

Mr. Samim Ahammed
Mr. Arka Maity
Mr. Enamul Islam
Ms. Sangeeta Chakraborty
...for the petitioner

Mr. Kallol Basu
Mr. Arkadipta Sengupta
..for the University

Mr. Tapan Kumar Mukherjee
Mr. Santanu Kumar Mitra
Md. Ahsanuzzaman
..for the State

The petitioner faced an enquiry before the Internal Complaints Committee in terms of Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013. By filing this writ petition, the petitioner, an Assistant Professor of Baba Saheb Ambedkar Education University, challenges the report and recommendation of the said Committee primarily on the ground that the Internal Complaints Committee was not constituted in terms of University Grants

Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulation, 2015. The petitioner alleges that the Presiding Officer of the Committee was an Assistant Professor and that apart, two advocates have been included in the Committee. This violated Regulation 4 of University Grants Commission Regulation, 2015.

Since the Presiding Officer should have been a woman faculty member not below the rank of a Professor, and there is no scope to include two advocates in the Committee, I set aside the recommendation dated 12th October, 2023 as impugned in this writ petition. The University shall constitute a Committee in accordance with law within a period of three weeks from the date of communication of this order and conclude the proceedings within ninety days thereafter.

It is made clear that the enquiry against the petitioner shall be concluded without being influenced by any observations made in this order. It is clarified that this Court has not gone into the merits of the case. Since the respondents have not used any affidavit in this matter, allegations made in this writ petition shall be deemed to be denied by them.

With the above directions, WPA 25864 of 2023 is disposed
of.

(Kausik Chanda, J.)