

WPA 507 of 2024
Mrinal Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Joydip Kar,
Mr. Amitabrata Roy,
Mr. Arkadipta Sengupta

...for the Petitioner

Mr. Gourav Das,
Mr. Hemanta Kr. Das

...for the State

To avoid unnecessary delay, the review application preferred by respondent no. 2 being RVW 14/2024 (Baba Saheb Ambedkar Education University Vs. Sri Mrinal Mukherjee & Ors.) is treated to be on day's list and is taken up for hearing along with this writ petition.

A complaint under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was initiated against the petitioner. He challenged the proceeding before this Court in the earlier round of writ petition, WPA 25864 of 2023, by an order dated December 18, 2023. The said writ petition was disposed of with the following orders.

“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.”

The petitioner submits that till date, no committee has been constituted in terms of the said order and he is not being allowed to join his duties though there is no suspension order against him.

Mr. Joydip Kar, learned senior advocate appearing for the university/review applicant submits that the committee could not be reconstituted in terms of the order dated December 18, 2023, due to non-availability of a woman employee at senior level at the university.

He submits that the order dated December 18, 2023, requires a suitable modification to enable the university to form the committee.

In view of the above facts, for the ends of justice I dispose of the application as well as this writ petition with the following orders:

The university, within four weeks from this date, shall appoint a lady Professor from any other universities of the State in terms of the second proviso to Section 4 (2) (a) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, to preside for the committee. The reconstituted committee shall conclude the proceedings as expeditiously as

possible, preferably within a period of three months from the date of such appointment. The university shall allow the petitioner to join his duties forthwith.

Since there is no subsisting suspension order against the petitioner, the communication dated December 29, 2023, restraining the petitioner to join his duty is set aside. The petitioner shall resume his duty forthwith.

Accordingly, **WPA 507 of 2024** and **RVW 14 of 2024** are disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)