

05.01.2024
Item No. 9
Ct. No. 238
AKG

WPA 18184 of 2023
Ajijul Ali Khan
Vs.
The State of West Bengal & Ors.

Mr. Himadri Sikhar Chakraborty,
Ms. Priyanka Chandra
...for the Petitioner

Mr. Pijush Biswas,
Mr. Puspasish Gupta,
Mr. Abhisek Baran Das,
Ms. Srijoni Chongder,
Mr. Siddhartha Ghosh
...for Respondent Nos. 2, 3 & 4.

Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta
...for the State

Let the affidavit in opposition filed by respondent nos. 2, 3 and 4 be kept on record.

The petitioner is an Assistant professor of Bengali at Kazi Nazrul Islam University, Asansol. At the instance of a student of the university (respondent no.6), a proceeding under the Sexual Harassment of Women at workplace (Prevention and Redressal) Act, 2013 (in short 'Sexual Harassment Act, 2013') was initiated against the petitioner. The Internal Complaint Committee found the petitioner guilty and made certain recommendations against him. The petitioner challenged the recommendation, of the Internal Complaint Committee by filing an appeal before the university authority in terms of the University Grants Commission (Prevention,

prohibition and redressal of sexual harassment of women employees and students in higher educational institution) Regulations, 2015 (in short 'UGC Regulations, 2015')

After filing the appeal, the petitioner approached this Court challenging the recommendation of the Internal Complaint Committee dated July 14, 2023.

During the pendency of the writ petition, the petitioner withdrew the appeal.

The petitioner has an alternative remedy of appeal not before the university authority but before the Additional Labour Commissioner, Govt. of West Bengal. [See: WPA 2009 of 2023 (Prima Bhattacharjee Vs. The State of West Bengal)]

In view of the aforesaid alternative remedy, I am not inclined to entertain this writ petition. I, however, grant liberty to the petitioner to approach the appellate authority i.e. the Additional Labour Commissioner, West Bengal. If the petitioner files an appeal before the said authority in terms of Sexual Harassment Act, 2013, within a period of three weeks from date, the appellate authority shall condone the delay in preferring the appeal and the recommendation of the Internal Complaint Committee dated July 14, 2023, shall not be given any effect to for a period of six weeks from date. After the said

period of six weeks, the petitioner will be at liberty to approach the appellate authority seeking interim protection, if any, and the same shall be considered by the appellate authority without being influenced by any observations made in this order.

Needless to mention that the appellate authority shall decide the appeal in accordance with law without being influenced by any observation made in this order.

It is desirable that the appellate authority shall dispose of appeal as expeditiously as possible, preferably within a period of two months from the date of filing of the appeal.

WPA 18184 of 2023 is 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.)