



Serial No. 03
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 422 of 2025

Date of order: 23.10.2025

Shambhu Sharma

...Petitioner

- versus -

1. The Union of India, represented by the Secretary to the Ministry of Development of North-Eastern Region (DONER), Government of India, New Delhi-110001.
2. The North Eastern Council (NEC), represented by the Secretary, NEC Secretariat, Shillong-793003.
3. The North Eastern Council, represented by the Chairman, 1st Floor, NEC Secretariat, Nongrim Hills, Shillong-793003, Meghalaya.
4. The Chairman, Internal Complaints Committee (Prevention of Sexual Harassment of Women in the Workplace), NEC Secretariat, Shillong-793001.
5. Miss Lahunlang Syiem (Casual Worker), NEC Secretariat, Nongrim Hills, Shillong, East Khasi Hills District, Meghalaya-793003

...Respondents

Coram:

Hon'ble Mr. Justice Soumen Sen, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr A.R. Tahbildar, Adv.

For the Respondents : Dr N. Mozika, DSGI with
Ms K. Gurung, Adv.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |



JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

We have heard the learned counsel for the parties.

2. It appears that the procedure prescribed in Section 9 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with Rule 7 of the said Act, has not been followed. The Internal Committee seems to have treated the FIR lodged almost six months prior to taking cognizance by the Internal Committee and on that basis, proceedings have been initiated against the petitioner.

3. Admittedly, no complaint in writing as envisaged in Section 9 of the Act, 2013 was made to the Internal Committee. In our opinion, the Internal Committee can only assume jurisdiction provided a written complaint is made to the said Committee within the time frame prescribed under Section 9 of the Act, 2013. In absence of any complaint in writing within the time limit prescribed therein, the Committee cannot suo motu initiate proceedings against the petitioner treating the FIR as a complaint.

4. The Internal Committee can only function to the manner prescribed under the said the Act. In view of the fact that the assumption of jurisdiction was patently illegal, we are of the view that the Internal Committee could not have proceeded with the said complaint. On this limited ground, we set aside the judgment passed by the Tribunal.



5. The writ petition succeeds, however, there shall be no order as to costs.

(W. Diengdoh)
Judge

(Soumen Sen)
Chief Justice