

Court No. 24

13.11.2025

(Item No.13)

(AB)

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

W.P.A. 1549 of 2025

Subinita Banerjee

VS

The State of West Bengal & Ors.

Ms. Dipanwita Ganguly, Advocate

.... For the petitioner

Mr. Swapan Kumar Datta, Ld. Sr. Advocate

Mr. Tapas Kumar Dey, Advocate

.... For the State

Mr. Firdous Samim, Advocate

Ms. Gopa Biswas, Advocate

Mr. Mainak Ghosal, Advocate

Ms. Ankita Ghosh, Advocate

Ms. Rajashree Saha, Advocate

Ms. Salini Bhattacharjee, Advocate

Mr. Md. Imjamamul Islam, Advocate

Mr. Hasanuz Zaman Molla, Advocate

.... For respondent nos. 3 & 5

Mr. Debu Chowdhury, Advocate (VC)

.... For respondent no. 4

1. The petitioner seeks redressal in the form of challenging the report of the enquiry committee, which has dismissed the complaint of harassment at work place by the petitioner against her immediate boss.
2. Mr. Firdous Samim, learned advocate appears for the respondent nos. 3 and 5 states that the respondent no. 5 being an unaided educational institution, is not amenable to the writ jurisdiction of this Hon'ble Court. He cites a decision of the Hon'ble Supreme Court reported in 2025(4) SCC 498 (paragraph 75) as well as a decision of the Division Bench of this Hon'ble

Court reported in 2024 SCC online Cal 2923. Both decisions are clear and unambiguous that an educational institution, even if it is to be considered as discharging public duty, the complaint must have a direct nexus with the work of the said institution.

3. In the present case, admittedly there is no such nexus and the relief of the petitioner lies elsewhere, which is an alternative and an unequivocal efficacious remedy.
4. In the light of the aforesaid decisions, the writ petition being **W.P.A. 1549 of 2025** is **dismissed**.
5. There shall, however, be no order as to costs.
6. Urgent Photostat certified copy of this order be given to the parties, if applied for.

(Reetobroto Kumar Mitra, J.)