

D/L 03  
04.03.2025  
Court No.14  
PRADIP

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION

WPA 3665 of 2025  
(CAN 1 of 2025)

Dipankar Mojumder  
Vs.  
The State of West Bengal & Ors.

*Mr. Afsar Ali*

*...for the Petitioner.*

*Mr. Sk. Md. Galib*  
*Mr. Manish Biswas*

*...for the State.*

1. The petitioner is the respondent in a proceeding initiated by the authority under the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**. Challenging the said proceeding, the petitioner approached this Court earlier by filing WPA 22640 of 2024 which stood dismissed for default on 27<sup>th</sup> November, 2024.
2. In the instant writ petition, the petitioner challenges the constitution of Internal Complaints Committee under Section 4 of the Act.
3. It has been submitted that, the Committee has not been constituted in accordance with the provisions of the Act. The Presiding Officer of the Committee does not have a full term of three years and, as such, she ought not to have been appointed in the said Committee. It has also been submitted that, there is no proof that the members who have been appointed in the Committee have experience of handling matter relating to sexual harassment.
4. The request made by the petitioner for referring the matter before the police has not been accepted by the Committee. Prayer has been made to set aside the orders passed by the

Committee and to quash the proceeding initiated under the Act.

5. From the report of the Joint Labour Commissioner (P) dated 21<sup>st</sup> February, 2025 who is also a member of the ICC, it appears that, the petitioner has all along been non-cooperative in the proceeding. As many as twenty six hearings were conducted, but the petitioner all along tried to delay the matter by remaining absent on several dates.
6. The Court is of the opinion that, as the Committee is a statutory Committee under the Act, the petitioner would be bound to participate and cooperate in the said proceeding. The Committee shall take steps strictly in accordance with the provisions of the Act.
7. The Committee shall endeavor to dispose of the proceeding initiated in response to the complaint filed by the complainant, at the earliest without granting any unnecessary adjournments to either of the parties.
8. The issue of constitution of the Committee, contrary to the provisions of the Act, was not an issue before the Court in the aforesaid writ petition earlier filed by the petitioner. The issue of constitution of the Committee goes to the very root of the matter. As the petitioner did not raise the said issue earlier, he ought not to be permitted to raise the said issue in the instant writ petition filed subsequently in line with the principles of Order 2 Rule 2 CPC.
9. The writ petition and the connected application stand dismissed.
10. Report of the Joint Labour Commissioner (P) dated 21<sup>st</sup> February, 2025 filed in Court today be retained with the records.

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

**(Amrita Sinha, J.)**