

16-09-2025
Item No.29
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.14845 of 2025
Sri Koushik Das

-vs-

National Commission for Scheduled Castes & Ors.

Mr. Rudra Prasad Sinha, adv.
Ms. Aparupa Bhattacharya, adv....for the petitioner

Mr. Ashok Kumar Chakrabarti, Sr. adv., ASGI
Mr. Kumar Jyot Tewari, sr. adv.
Mr. Arijit Majumdar, adv. ... for Union of India

1. The petitioner is aggrieved by an order dated May 14, 2025 passed by the Chairman, National Commission for Scheduled Castes.
2. It appears that a complaint was lodged against the petitioner under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH). The Internal Complaints Committee conducted an inquiry and found that only one charge out of total three charges against the petitioner stood proved. The petitioner expressed his sorrow for this and sought to resolve the issue through conciliation.
3. The petitioner is an employee of the Railways but the department did not initiate any disciplinary proceeding against him. The Commission noted that the petitioner never submitted his caste certificate to the department, and as per official records, he belongs to the unreserved category.
4. The impugned order further records that the petitioner could not produce any evidence that he

was harassed on the basis of his caste. The Commission proceeded to close the complaint lodged by the petitioner. The petitioner is aggrieved by the same.

5. It has been submitted that the petitioner never expressed his sorrow and never sought for any resolution through conciliation as mentioned in the impugned order of the Commission. Prayer has been made to direct the Commission to revisit the issue all over again.
6. Learned Additional Solicitor General of India opposes the submission of the petitioner. He submits that the petitioner is a railway employee and the complaint under POSH has been filed by another employee of the Railways. If there is any dispute between the co-employees, the Commission cannot be directed to enter into or adjudicate the same.
7. It has also been submitted that there are disputed questions of facts involved and the writ Court is not the competent forum to adjudicate such issue.
8. None represents the private respondents (respondent nos.4 and 5) who were the complainants before the Internal Complaints Committee under POSH. The affidavit of service is on record.
9. I am of the opinion that the prayer of the petitioner directing the Commission to revisit the charges levelled against the petitioner under POSH cannot be allowed. The prayer of the petitioner seeking investigation as to whether there has been any atrocity on a member of the Scheduled Caste also cannot be allowed by the Court, as the Commission has recorded that there

is no evidence before the Commission that the petitioner belongs to the reserved category and as per office records, the petitioner belongs to the unreserved category. Such disputed questions of facts cannot be decided either by the Commission or by the writ Court.

10. The writ petition accordingly fails and is hereby dismissed.
11. It will be open for the petitioner to agitate his grievance before the appropriate forum in accordance with law, if so advised.
12. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
13. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

