

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 26582 OF 2025

SRI KAUSHIK CHATTERJEE & ANR.

VS.

THE HON'BLE HIGH COURT, CALCUTTA & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners	: Mr. Sarwar Jahan Ms. Tapati Sarkar Mr. S.N. Thander Ms. Sahina Pervin
For the High Court Administration	: Mr. Jaydip Kar, Sr. Advocate Mr. Victor Chatterjee
For the respondent no. 5	: Mr. Dwaipayan Banerjee Mr. M. Hazra Mr. Ahasnish Ghosh
Heard On	: 04.12.2025
Judgment On	: 04.12.2025

SAUGATA BHATTACHARYYA, J.:

1. Matter is heard in presence of learned advocates representing the parties.

2. In the writ petition challenge has been thrown to the recommendation dated 26th August, 2025 of the Committee for Prevention of Sexual Harassment of Women at Office/ Workplace in the High Court, Calcutta (for short, “said Committee”) wherein certain observations and recommendations were made against the petitioners.
3. Mr. Jahan, learned advocate representing the petitioners submits that petitioners are primarily aggrieved by said recommendation dated 26th August, 2025 and petitioners have also challenged the order dated 16th September, 2025 of the Registrar General of this Hon’ble Court.
4. During course of hearing, Mr. Kar, learned Senior Advocate representing the High Court Administration has pointed out that after the recommendation was issued by said Committee on 26th August, 2025 taking note of the same Registrar General has passed an order dated 16th September, 2025 for implementation of the recommendation.
5. It is submitted on behalf of the petitioners that though there is an appeal provision under Section 18 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for short, “said Act of 2013”) but same does not apply in the present case as a result whereof petitioners have approached this Court with this writ petition, *inter alia*, questioning recommendation dated 26th August, 2025 and order of the Registrar General dated 16th September, 2025. According to the petitioners, Section 18(1) of said Act of 2013 confers right upon the affected party to prefer an appeal in the event relevant

service rules governing the service of the affected party contemplates preferring appeal to the court or tribunal but here in the instant case Rule 21 of the Calcutta High Court Service (Conditions of Service and Recruitment) Rules, 1960 (for short, “said Rules of 1960”) though provides provision for preferring an appeal against the order of Registrar, Appellate Side or Original Side but there is no provision of preferring appeal before the court or tribunal.

6. In order to refute such submission made on behalf of the petitioners, learned Senior Advocate representing the High Court Administration has relied upon Section 18 of said Act of 2013 vis a vis Regulation 21 of said Rules of 1960. It is emphasized on behalf of the High Court Administration that it is provided under Section 18(1) of said Act of 2013 that an appeal can be preferred before the court or tribunal in accordance with the provisions of the service rules applicable to the affected person. Rule 21 of said Rules of 1960 which governs the service of the petitioners provides provision for preferring appeal before the Hon’ble Chief Justice against the order of the Registrar General.
7. It is contended on behalf of the High Court Administration that since service rules applicable in case of the petitioners contemplate appeal under Rule 21 same needs to be pressed into service, as a result whereof at this stage appeal needs to be preferred before the Hon’ble Chief Justice in terms of Rule 21.

8. In consideration of the respective submissions made on behalf of the parties and taking note of the relevant provisions of said Act of 2013 and said Rules of 1960 Court finds that as recommendation was made by said Committee in terms of Section 13(3) of said Act of 2013 and there is existence of appeal provision in the relevant service rules applicable to the petitioners appeal needs to be preferred before the Hon'ble Chief justice/Hon'ble Acting Chief Justice in terms of Rule 21 of said Rules of 1960.
9. Though a feeble attempt is made on behalf of the petitioners based on Rule 11 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 in order to point out that there is an appeal provision to the Appellate Authority as notified under Clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 but such argument does not come in aid of the petitioners as it is found in Section 18 of said Act of 2013 that there is specific provision to prefer appeal before the Appellate Authority in terms of service rules applicable to the affected party.
10. In aforesaid conspectus and taking note of availability of alternative efficacious speedy remedy, at this stage writ petition is not entertained and same stands dismissed.
11. However, this order shall not preclude the petitioners to prefer appeal challenging the order of the Registrar General dated 16th September, 2025 wherein directions were issued to give effect to the

recommendation of said Committee dated 26th August, 2025 before the Appellate Authority in terms of Rule 21 of said Rules of 1960.

12. Petitioners shall also be at leave to file an application seeking condonation of delay in preferring appeal before the Appellate Authority keeping in view of the fact that writ petition was filed on 19th November, 2025 which is prior to expiry of ninety days from date of issuing recommendation on 26th August, 2025 of said Committee.
13. There shall be no order as to costs.
14. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)