

07.04.2025
Item No.35
Court No.551
Avijit Mitra

WPA 27826 of 2024

Sri Koushik Das
- Versus -
The National Commission for Scheduled Castes & ors.

Mr. Rudraprasad Sinha,
Ms. Aparupa Bhattacharya
...for the petitioner
Mr. Kumarjyoti Tewari, Sr. Adv.,
Ms. Souniddhi Nayek,
Mr. Aniruddha Tewari,
Mr. Amrit Sinha
...for the respondents

Affidavit-of-service, as filed, be kept on record.

No one appears today on behalf of the respondent
nos. 4 and 5.

The writ petitioner is aggrieved by the non-
consideration of his representation dated November 13,
2024 made to the respondent no.2.

The petitioner submits that upon the petitioner's
complaint dated May 21, 2024 the respondent no.3 by a
letter dated August 28, 2024 called upon the petitioner's
employer "*to submit the facts and information on the action
taken on the allegations/matters*" that were referred to the
National Commission for Scheduled Castes by the
petitioner through the petitioner's aforesaid complaint.

The Presiding Officer of the Internal Complaint
Committee of the petitioner's employer responded to the
said letter dated August 28, 2024 issued by the respondent

no.3, by a letter dated September 30, 2024 stating that upon a complaint of sexual harassment being made by the private respondent nos. 4 and 5, the Internal Complaint Committee of the petitioner's employer held an enquiry wherein it was found that out of three charges levelled against the petitioner one stood to be proved upon the petitioner's acceptance thereof. The said reply dated September 30, 2024 given by the Presiding Officer of the Internal Complaint Committee of the petitioner's employer, was forwarded to the petitioner by the respondent no.3 under the cover of a letter dated October 01, 2024 thereby giving an opportunity to the petitioner to submit his rejoinder thereto.

The petitioner submitted his rejoinder on October 08, 2024 and thereafter, on November 13, 2024 the petitioner made another representation to the respondent no.2 thereby requesting the said respondent to take appropriate steps in the matter while asserting that the petitioner had been made a victim of false complaints lodged by the private respondent nos. 4 and 5.

Having heard the learned advocates appearing for the parties and having considered the material on record, this Court is of the view that there is little scope for this Court to enter into the merits of this matter, at this stage and in fact no purpose would be served by keeping the writ petition pending for disposal by inviting affidavits.

Justice would be subserved, if at the present moment the respondent no.3 is directed to consider the petitioner's representation dated November 13, 2024 and to dispose of the same by a reasoned order upon giving an opportunity of hearing to the petitioner as well as the respondent no. 4, namely, Smt. Sanghamitra Adhikari and the respondent no.5, namely, Sumita Gayen.

Such reasoned decision must be communicated to the petitioner within a week from the passing thereof.

The entire exercise shall be completed by the respondent no.3 within a period of six weeks from the date of communication of this order.

It is clarified that this Court has not gone into the merits of the case and the respondent no.3 would be free to take decision, in accordance with law.

All the parties shall also be free to take all points available to them, in accordance with law.

WPA 27826 of 2024 is disposed of with the aforesaid observations.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Om Narayan Rai, J.)