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ORDER SHEET  
IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

WPO 308 of 2025  
SUJASHA MUKHERJI  
VS  
STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE SAUGATA BHATTACHARYYA

Date: 3<sup>rd</sup> September, 2025.

Appearance:

*Mr. Soumya Mazumdar, Sr.Adv.*

*Mr. Sharanya Chatterjee, Adv.*

*Mr. Abhirup Chakraborty, Adv.*

*Mr. Tuhin Ganguly, Adv.*

*.... for the petitioner*

*Sk.Md. Galib, Adv.*

*Ms. Priyamvada Singh, Adv.*

*...for State respondents*

*Mr. Siddhartha Banerjee, Adv.*

*...for High Court Administration*

The Court: 1. The writ petition is heard in presence of the learned advocates representing the petitioner and High Court Administration. The State respondents are also represented.

2. In the writ petition order of suspension dated 11<sup>th</sup> September, 2023 and charge sheet also dated 11<sup>th</sup> September, 2023 are questioned on the score that initiation of disciplinary proceeding is not backed by the decision of the appropriate committee of High Court. In this regard notice of this Court has been drawn to Rule 3 under Chapter 1 of Appellate Side Rules, High Court at Calcutta wherein it is provided under Rule 3(d) that Administrative Committee shall have power, without reference to the Judges generally to make

recommendations for disciplinary action including degradation and suspension against members of the Higher Judicial Service and State Judicial Service.

3. Mr. Soumya Majumder, learned senior advocate representing the petitioner submits that suspension order was issued on 11<sup>th</sup> September, 2023 and on the same date charge sheet was issued and in response thereto written statement of defence was submitted by the petitioner. It is also fairly submitted that in the written statement of defence whether disciplinary authority was authorized to initiate proceedings against the petitioner, was not questioned but in connection with enquiry proceeding when witness action was going on based on surfacing certain materials, petitioner found that disciplinary authority might not be authorized appropriately to initiate proceeding against her, which triggered the present writ petition. A specific point is urged before this Court that disciplinary authority is not duly authorized by the concerned authority of High Court to initiate proceeding against her. Petitioner prays for disclosure of relevant materials in order to satisfy the requirement of authorization which was made in favour of the disciplinary authority for initiating proceeding against the petitioner.

4. High Court Administration is represented by Mr. Siddhartha Banerjee, learned advocate who has opposed this writ petition on the count of maintainability and it is also submitted that writ petition is premature.

5. Another limb of submission which is advanced on behalf of the High Court Administration is that in relation to witness action in connection with enquiry proceeding a point is agitated in the writ petition that perhaps disciplinary authority was not authorized to initiate proceeding against the

petitioner and prayer is made for production of relevant materials which may vitiate said proceeding.

6. While considering the respective submissions made on behalf of the parties and taking note of the fact that enquiry is still continuing, appraising the situation this Court finds this is not the appropriate stage to scrutinize whether disciplinary authority was authorized to initiate proceeding against the petitioner or not. As challenge has been laid to the suspension order and charge sheet, nothing is demonstrated that suspension order and charge sheet are without jurisdiction and no case relating to mala fide is made out. Therefore, Court finds it is not appropriate to interfere with the disciplinary proceeding which is continuing against the petitioner at this stage. It may so happened that on conclusion of disciplinary proceeding final order may be passed which will not be adverse to the interest of the petitioner and as such at this stage entire issue is academic.

7. Hence writ petition stands dismissed. However, it is made clear that issues raised in this writ petition are not decided and kept open which can also be raised, if ultimately order passed on conclusion of disciplinary proceeding being adverse to the interest of the petitioner.

8. Since no affidavit is called for, allegations contained in the writ petition are deemed not to have been admitted.

9. Urgent photostat certified copy of this order, if applied for, be made available to the parties, upon compliance of all formalities.

(SAUGATA BHATTACHARYYA, J.)