

GAHC010086272026



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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/2368/2026**

ACHYUT CHANDRA BAISHYA  
S/O - LATE HOMESWAR BAISHYA, RESIDENT OF HOUSE NO. 51, LANE NO.  
8, LAKHIMI PATH, BELTOLA TINIALI, P.O. - BELTOLA, P.S. - BAISISTHA,  
GUWAHATI -28.

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF ASSAM,  
DISPUR, GUWAHATI- 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
MEDICAL EDUCATION AND RESEARCH DEPARTMENT  
DISPUR  
GUWAHATI- 781006.

3:THE SECRETARY TO THE GOVERNMENT OF ASSAM  
MEDICAL EDUCATION AND RESEARCH DEPARTMENT  
DISPUR  
GUWAHATI- 781006.

4:THE DIRECTOR OF MEDICAL EDUCATION  
ASSAM  
SIX MILE  
KHANAPARA  
GUWAHATI- 22.

5:THE INTERNAL COMMITTEE UNDER SEXUAL HARASSMENT OF  
WOMEN AT WORKPLACE  
(PREVENTION  
PROHIBITION AND REDRESSAL) ACT

2013  
GAUHATI MEDICAL COLLEGE AND HOSPITAL  
BHANGAGARH  
GUWAHATI - 05  
REPRESENTED BY ITS CHAIRMAN.

6:THE LOCAL COMMITTEE UNDER SEXUAL HARASSMENT OF WOMEN AT  
WORKPLACE  
(PREVENTION  
PROHIBITION AND REDRESSAL ACT  
2013  
KAMRUP METRO  
GUWAHATI  
REPRESENTED BY ITS CHAIRMAN.

7:MYTHILI HAZARIKA  
ASSOCIATE PROFESSOR OF CLINICAL PSYCHOLOGY  
GAUHATI MEDICAL COLLEGE AND HOSPITAL  
GUWAHATI - 05

**Advocate for the Petitioner** : MR. N DEKA, MR D K BHATTACHARYYA,MR. M GOGOI,MR  
VINOD BASFOR,MR. S BANIKYA

**Advocate for the Respondent** : GA, ASSAM, SC, HEALTH

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**06.05.2026**

Heard Mr. N. Deka, learned senior counsel assisted by Mr. D.K. Bhattacharyya, learned counsel for the petitioner. Also heard Ms. S Baruah, learned Government Advocate for the respondent No 1 and Mr. D.P Borah, learned Standing Counsel, Health for the respondents No. 2 to 5.

Issue notice, returnable on 29.05.2026

Since the respondents No 1 to 5 are represented by the respondents, Notices are waived. However, extra copies be furnished within a period of one week from today.

Steps on respondents No. 6 & 7 be taken by Speed post within three working days.

The petitioner is putting a challenge to the notice dated 27.04.2026 issued to the writ petitioner by the Chairperson, Local Committee POSH Act, Kamrup(Metro) directing the petitioner to appear before the committee on 08.05.2026 at 2.00 PM.

The learned senior counsel for the petitioner submits that earlier the private respondent No. 7 lodged a complaint before the ICC which was constituted but subsequently, she withdrew the said complaint and which was communicated to the writ petitioner by the Chairman of the ICC, GMCH on 11.03.2026. Thereafter, the complaint was lodged before the Local Committee pursuant to which the impugned notice has been issued. The learned senior counsel for the petitioner submits by referring to the provision of the Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 that in terms of Section 9, once the internal committee is constituted then the complaint is required to be lodged before the said committee and not the local committee. It is further submits that the limitation for lodging a complaint before the internal committee is three months from the date of the incident with an additional three months which may be extended subsequently by the committee. It is submitted that, as per the complaint, all the allegations against the writ petitioner pertained to the months from November, 2022 to July, 2025. Therefore, it is submitted that the said complaint is time barred under Section 9 and therefore could not have been taken up for a fresh enquiry by the LCC by issuing notice as impugned in the present writ petition. In support of his contentions, the learned senior counsel for the petitioner has referred to a Judgment of the Apex Court rendered in Vaneeta Patnaik Vs. Nirmal Kanti

Chakrabarti and Ors passed in SLP No. 17936/2025 dated 12.09.2025. Referring to the said Judgment, the learned Senior counsel for the petitioner submits that the Apex Court has held that complaint of sexual harassment is mandatorily required to be filed within a period of three months from the date and within a maximum period of six months from the date of the last incident of the harassment so alleged. He therefore submits that as per the complaint, the incident had occurred well before six months and therefore, the complaint is time barred. He therefore submits that the notice before directing the petitioner to appear, the authorities ought to have examined the limitations specified or mandated in the Act. It is submitted that the matter be decided and during pendency, the impugned proceedings be stayed.

Mr. D.P Borah, learned Standing Counsel, Health as well as Ms. S Baruah, learned Government Advocate submit that their instructions are not complete. They would like to complete their instructions.

Issue notice also on the interim prayer, returnable on 29.05.2026.

The prayer for interim will be considered on the next returnable date after return of service on respondents No. 6 & 7.

Meanwhile, till the next date fixed, the impugned notice dated 27.04.2026 shall remain stayed.

List on 29.05.2026.

**JUDGE**

**Comparing Assistant**