

November 11, 2021
Item No. 24
Court No.1
s.biswas/ss

WPA (P) 295 of 2021

Sudip Ghosh Chowdhury
vs.
The State of West Bengal and others

(Through Video Conference)

Mr. Sudip Ghosh Chowdhury

... the petitioner-in-person

Mr. S. N. Mookherje, Advocate General with
Mr. Anirban Ray, Government Pleader
Mr. Raja Saha,
Mr. Nilotpal Chatterjee, Advocates

... for the State

By this public interest litigation the petitioner has challenged the notification dated 29th October, 2021 issued by the West Bengal Board of Secondary Education for reopening the schools for Classes IX to XII on and from 16th November, 2021. On the query put by this Court the petitioner present in-person has fairly stated that his child is not studying in Classes IX to XII, but he is a student of Class IV. Therefore, serious question of locus of petition arises as the concerned affected parents could have approached this Court if they are aggrieved with the said notification.

The submission of the petitioner is that the timings of the school have been increased by the said notification which is likely to affect the children as well as the teaching staff. His further submission is that the teachers and employees' association have submitted their representation to the competent authority raising the grievance in this regard.

Learned Advocate General for the State has vehemently submitted that when none of affected parties who could approach the Court, but have not come by way of application, then a PIL at the instance of the person who has no concern with the impugned notification should not be entertained. He has further submitted that on account of the virtual classes the interest of the school going students has suffered during the period when the impact of the pandemic was serious but now the situation has improved. Therefore, the State has decided to open the school in phase manner and initially the schools are being opened only for Classes IX to XII, which form part of less than 50 per cent of the total student strength of the school. He has further submitted that separate timings for Classes IX and XI and separate timings for Classes X and XII has been provided, so that the COVID protocol can be strictly followed. Referring to the notification as well as the hand-book enclosed therewith he has submitted that all the precautionary measures have been taken to ensure that the students are protected. He has further pointed out that in terms of Clause 3.1.7 of hand book, at the beginning of each day, there is 10 minutes session of awareness programme on COVID protocol and that the due precaution of checking of temperature, wearing of mask etc. have been provided. He has also submitted that on account of the virtual classes disparity between the students in the urban and rural areas has increased as there is poor internet

connectivity in the rural area and referring to the chart produced by him during the course of hearing, he has pointed out that all other States have started physical classes for the students but in West Bengal it was delayed because of intervening Puja festival. He has pointed out that the States where the COVID cases are more, in fact have started schools and has given an example of Kerala and Maharashtra.

On the query put by this Court he has fairly stated that if any of the affected parents, student, teacher or employee put forth any suggestion or file any representation suggesting ways and means to facilitate the learning of the student during COVID Pandemic then the competent authority will duly look into it.

Having regard to the material pointed out by learned Advocate General and also taking note of his statement that the grievance or suggestion of the affected parties, if any raised, will be duly considered by the competent authority, we are of the opinion that no further direction in this petition is required.

The petition is accordingly disposed of.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]