

WPA (P) 25 of 2022

**Rama Prasad Sarkar
Vs.
Union of India & Ors.**

Mr. Rama Prasad Sarkar
... .. Petitioner-in-Person

Mr. S.N. Mookherjee, Ld. Advocate General
... .. for the State

Mr. Y.J. Dastoor, Ld. Additional Solicitor General
Mr. Phiroze Edulji,
Ms. Debjani Ghoshal, Advocates
... .. for the Union of India

1. The petitioner is a practicing advocate of this Court and the main relief prayed in the present petition is to issue a direction to the respondent Central Government to permit the State of West Bengal Tableau of Netaji Subhas Chandra Bose in ensuing Republic Day parade on 26th January, 2022.

2. The submission of learned Counsel for the petitioner is that this is the year of 125th birth anniversary celebration of Netaji Subhas Chandra Bose and that the Central Government has wrongly rejected the West Bengal Tableau for Republic Day parade theme on Netaji Subhas Chandra Bose and Indian National Army without assigning any reason.

3. The submission of learned Additional Solicitor General is that this writ petition cannot be maintained as Rule 20 of the Rules of High Court at Calcutta relating to application under Article 226 of the Constitution has not been complied in as much as no demand of justice was

made by the petitioner before filing the present petition. He has also submitted that the petitioner has furnished incorrect affidavit by mentioning that the facts stated in the writ petition are true to his knowledge whereas, the writ petition is based upon the newspaper cuttings and information received therefrom. Learned Additional Solicitor General has also submitted that though Netaji Subhas Chandra Bose was ignored by the earlier Governments but the present Government is treating Netaji as icon and recognizing his contribution in hastening the process of Independence. He submits that 23rd January, the birth anniversary of Netaji, has already been declared “Parakram Diwas” and the Central Government is celebrating Netaji’s birth anniversary from 23rd January to 30th January. He has also submitted that hologram of Netaji has been put at India Gate which will be replaced by statue of Netaji in August, 2022. He has also submitted that so far as reasons for rejection are concerned, if the State wants, the same can be duly supplied and that the decision to exclude a Tableau is taken as per the rules which exist and reasons for rejection must be existing.

4. Learned Advocate General has submitted that he has no instruction if the reasons for rejection have been communicated to the State of West Bengal.

5. Having heard the learned Counsel for the parties and having examined the record, we have noticed that apart from the various defects pointed out by the learned

Additional Solicitor General in the petition and facts disclosed by him, the writ petitioner has belatedly approached this Court. As the Republic Day celebration is day after tomorrow, therefore, at this stage, no effective direction can be issued. Hence, no case for interference in the present writ petition is made out which is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)