

S/L 14
14.06.2022
Court. No. 19
GB

WPA 9847 of 2022

Md. Manirul Islam & Os.
VS
The State of West Bengal & Ors.

*Mr Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Mr. Santanu Neogi,
Ms. Trisha Rakshit,
Mr. Pronay Basak.*

...for the Petitioners.

*Mr. Md. Galib,
Mr. Anubrata Santra.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioners are the unsuccessful candidates, who appeared at a recruitment process initiated by the West Bengal Madrasah Service Commission. The petitioners want to organize and carry out a sit-in demonstration with regard to the activities of the Commission. The allegation is that the police authorities have refused such permission for such protest/demonstration.

Mr. Galib, learned advocate for the state respondents has filed a report on behalf of the police authorities, which states that two organizations are already carrying out sit-in demonstration since October 2021. It further appears from the report that similar demonstrations were carried out pursuant to orders of this Court. Thus, Mr. Galib is apprehensive that at every opportunity a new group of persons will come together and seek permission for continuous demonstration. It is the specific case of the police

authorities that continuous vigil has to be maintained and adequate police force cannot be deployed for such purpose, indefinitely.

Reliance has been placed on two decisions of this Court with regard to similar prayers for holding peaceful demonstration.

The petitioners wanted to continue an indefinite sit-in demonstration in front of the Press Club. This Court was of the, prima facie, view that an indefinite demonstration in front of the Press Club could not be permitted. The petitioners prayed for an adjournment and today, it is submitted that the demonstration shall spread over only two weeks and for limited hours.

Under such circumstances, the writ petition is disposed of with the following directions:-

- a) The sit-in demonstration shall be conducted at a distance of 100 metres from the entrance gate of the building in which the Madrasah Service Commission is situated. Not more than 50 participants shall be allowed.
- b) Loudspeakers shall not be allowed.
- c) The demonstration shall be peaceful and without any sticks, arms and/or weapons.
- d) No hateful, provocative and abusive speeches shall be allowed.
- e) Public property shall not be damaged or destroyed.

- f) The demonstration shall be held between 11:00 a.m. to 4:00 p.m. for a period of two weeks.
- g) The demonstration shall be organized in a way that free flow of traffic and the pedestrian are not affected. The roads shall not be blocked by temporary structures.
- h) The officials of the Commission and persons, who visit the Commission shall not be obstructed in any way.
- i) If the police authorities find that there are any law and order problems and the protestors are not abiding by the order of this Court, the police authorities are free to take all such steps as per law.

The other prayers in the writ petition are not allowed. The Court also does not think it wise to allow the petitioners to organize a sit-in demonstration near the Press Club as prayed for as the said road is a major thoroughfare and is already overcrowded by demonstrators.

Mr. Chattopadhyay, learned advocate assures the Court that this is the one and only protest, which has been organized against the alleged illegality in the recruitment process, initiated by the Madrasah Service Commission.

As the venue chosen by this court is within the jurisdiction of the Bidhannagar Police Commissionerate, this order will be communicated to the said Commissionerate by the petitioner. The petitioner shall intimate the date of commencement of the demonstration to the

Commissionerate, 72 hours in advance and also identify the exact location in terms of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the sever copy of this order.

(Shampa Sarkar, J.)