

S/L 104(ML)
12.08.2022
Court. No. 19
GB

WPA 14084 of 2022

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

*Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Mr. Santanu Maji,
Mr. Soumen Banerjee.*

...for the Petitioners.

Ms. Sonal Sinha.

...for the State.

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

As none appears on behalf of the State respondents, despite service, Ms. Sonal Sinha, learned advocate, who usually appears for the State, is requested by this Court to appear in this matter. Her appearance may be regularized.

The petitioners claim to be unsuccessful candidates, who appeared at a recruitment process initiated by the West Bengal Madrasah Service Commission. The petitioners have relied upon a decision passed by this Court on June 14, 2022 in WPA 9847 of 2022, in the matter of *Md. Manirul Islam and Others versus The State of West Bengal and Others* and pray for similar orders. It is specifically submitted that all the aggrieved parties will join in this sit-in demonstration and they shall not pray for further directions or extensions in this regard, in future.

Ms. Sinha, learned advocate for the State respondents submits that at various places sit-in demonstrations are going on and it has become very difficult for the State

administration to keep a vigil and control the mob. She further submits that a continuous demonstration cannot be allowed.

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. The petitioners will take turns by rotation to maintain the limit of 50 persons at a time. The petitioners will intimate similarly situated persons with regard to such sit-in demonstration, so that they may join in the same, instead of filing individual writ petitions.
- 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 four weeks.
- g) The demonstration shall be organized in a way that free flow of traffic and the passage for the pedestrians 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 protesters 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.

As the venue 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.)