

20-22 03.04.2023  
RP Ct. No. 01  
AN

WPA 7949 of 2012

Gopal Das

vs.

The State of West Bengal & ors.

With

WPA 6977 of 2012

Basabi Raichoudhury

Vs.

State of West Bengal & Ors.

With

WPA 7316 of 2012

Pran Krishna Roy

Vs.

State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee

Mr. Mrinal Kanti Sardar

Mr. Shanti Sanyal

Mr. Debasish Saha

Mr. Sayan Banerjee

Mr. Badrul Karim

... for the petitioners

Mr. S.N. Mookherjee, Sr. Adv., Ld. AG

Mr. Tapan Kumar Mukherjee, Sr. Adv., AGP

Mr. Somnath Naskar

... for the State

1. There are three writ petitions, which are almost with similar prayers.

2. The grievance of the writ petitioners is that the Government of West Bengal by issuing order dated 14<sup>th</sup> March, 2012 has restricted purchase of newspapers for State Government/government sponsored/government aided libraries in the State only to eight newspapers and those restrictions offend Article 14 of the Constitution of India.

3. The learned advocate appearing for the writ petitioners places reliance on the decision of the Hon'ble

Supreme Court in the case of ***Rajneesh Kumar Pandey & Ors. vs. Union of India & Ors.*** passed in ***Writ Petition (Civil) No.876 of 2017 on 28<sup>th</sup> October, 2021*** in support of the contention that when public funds are utilized for purchase of the newspapers, there cannot be any restriction. Therefore, it is submitted that the list of newspapers cannot be restricted to be eight newspapers alone by the State Government.

4. The learned Advocate General appearing for the State submitted that eight newspapers which were directed to be purchased by notification dated 14<sup>th</sup> March, 2012 are no longer being purchased and fresh notifications have been issued in November 7, 2019 and December 22, 2021 along with a corrigendum dated 8<sup>th</sup> February, 2022 by which the Government has decided to purchase fourteen newspapers in different languages.

4. In our considered view, the decision to purchase a particular newspaper should be left to the decision of the library authorities. It is the library authorities, who are discharging their duties under the provisions of the Public Libraries Act and the West Bengal Library Management Rules 2005, are the best persons to decide as to which of the newspapers are to be purchased for a particular library in a particular area. We find from the list of fourteen newspapers that Nepali language is being recommended for purchase. This is so for the purpose of catering to Nepali public who speaks in Nepali language. Therefore, instead of passing a centralized order, the

decision should be left to the concerned library authorities, who are competent to do so under the West Bengal Library Management Rules, 2005. Thus, in the light of the subsequent notifications having been issued by the State Government, the notification dated 14<sup>th</sup> March, 2012 stands set aside. Further, with regard to the stand of the State that the newspapers/dailies published and/or purported to be published by any political party should not be purchased, this Court is of the view that the said classification is incorrect and impermissible since as soon as permission is granted by the competent authority to purchase a newspaper, the same cannot be distinguished as a newspaper published by a political party or purported to be published by a political party and thus the classification is incorrect and, therefore, the Government should not adopt such classification.

5. With the above directions, all the three writ petitions stand **disposed of**.

**(T. S. Sivagnanam)**  
**Acting Chief Justice**

**(Hiranmay Bhattacharyya, J.)**