

04.05.2023

Item No.1

Ct. No.1

PG/KS

W.P.A.(P) 217 of 2023

Tarapada Mistry

Vs.

State of West Bengal & Ors.

Mr. Vivekananda Bose

Mr. Ratikanta Pal

.....for the Petitioner

Mr. Sirsanya Bandopahdyay

Ms. Tapati Samanta

.....for the State

Mr. Sanjoy Kumar Baid

.....for the respondent nos.8 & 9

Mr. Saptarshi Datta

Mr. Satarup Bhattacharya

Mr. Pourush Kanti Pal

Ms. Srinjita Ghosh

.....for the respondent nos.10 & 11

1. By way of this public interest litigation, the petitioner would contend that a programme is being organized by the Rotaract, RI District 3291, Kolkata, South Bengal & Andamans for Rotaractors by organizing 51st Rotaract District Conference, 2023.
2. The petitioner would state, in terms of the relevant rules as well as the conditions imposed by the Government while granting recognition to

the school, no commercial activities are permissible in the school premises. However, it is submitted that there is a clear bar for using the school premises for any other purposes other than educational activities.

3. The learned counsel appearing for the respondents/State has produced a copy of the communication given to him by the District Inspectors of Schools (S.E.), Kolkata dated 3rd May, 2023. In the said letter it has been mentioned that the institution vide e-mail dated 3rd May, 2023 informed that no commercial event in the South City International School from 5th May to 8th May, 2023 is being conducted. Further it is stated that on 5th May, 2023, the school is closed for Buddha Purnima and 6th and 7th May, 2023 is closed being Saturday and Sunday and on 8th May, 2023 normal school resumes.
4. The issue would be as to whether if a Rotaract District Conference is organized in a part of the school premises, namely the auditorium, will it violate the statutory conditions or conditions imposed by the Government while granting recognition to the institution?
5. It has been said several times that the education is not only confined to the class rooms and for an

overall development of a child, education needs to be imparted outside the class room as well. The Rotaract organization, which is a youth wing of the Rotary Organization would strive to develop the overall personality of a school going child or a student in a college. The programmes are so devised that they become better citizens of the country in later years.

6. Thus, we find that even assuming that there is some Rotaract District Conference being conducted in the auditorium of the school premises, that would not fall within the ambit of the commercial activity for us to interfere.
7. Therefore, we find no reason to entertain this writ petition and the writ petition stands dismissed.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)