

02 18.07.2023
NB Ct. 14

WPA 16536 of 2023

Ashis Khamrai
Vs.
The State of West Bengal & Ors.

Mr. Koustav Bagchi,
Mr. D. Ghosh,
Ms. Priti Kar.
...for the petitioner.

Mr. Amal Kumar Sen Id. AGP,
Mr. Jaladhi Das.
....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to forthwith take steps and consider the representation made by the petitioner for holding the rally/procession on 19th July, 2023 at the route mentioned.

Affidavit of service filed on behalf of the petitioner is taken on record.

A copy of the letter of rejection dated 07.07.2023 and a copy of the usual terms upon which such rally/procession are allowed as filed by the State are taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the convenor of WBGDRB-2017 Group-D Waiting, Aikya Mancha. This forum comprises of 600 job aspirants who inspite of having the required qualifications have not been granted an appointment as Group-D employment by the Government of West Bengal. The members of the forum wanted to organise a "Twilight Roadmarch" on 19th July, 2023 at 3 p.m. with about 440

candidates. They were to have the following route - Shahid Miner-Mayo Road-P.G.Hospital-Bhawanipur 75 Palli-Netaji Bhaban Metro-Jatin Das Park Metro (Hazra More)-Kalighat Temple. At the end of march, some speeches were to be delivered and a formal deputation was to be given to the Hon'ble Chief Minister. However, in the course of hearing before this Court on 17.07.2023, the petitioner and the members of the organisation have decided to alter the route meant for such procession. Now, they want to have the procession between 2 p.m. and 5 p.m. on 19th July, 2023 and the route would be as follows - Shahid Miner-Exide More-Ashutosh Mukherjee Road-Jawaharlal Nehru Road-Harish Mukherjee Road and procession is to end at Hazra More. Thereafter, some speeches are to be delivered there. The organisers are willing to give the names of volunteers with their phone numbers for the orderly conduct of the rally/procession and supply to the police authorities in advance.

Learned counsel appearing on behalf of the State submits as follows. The police authorities have already received by email the alternative route map to be charted by the petitioner. They would not have any objection if the procession is carried out in an orderly manner and by following the existing rules and provisions of law in this regard. The suggested format of terms and conditions has already been supplied to the learned counsel for the petitioner in this regard.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the relevant documents.

It appears that the petitioner and the respondent authorities have at least arrived at a particular route that the rally/procession is to follow on 19th July, 2023.

Let the petitioner take out the rally/procession between 2 p.m. and 5 p.m. on the altered route mentioned as above in accordance with law. It is clarified that the entire programme should come to an end at 5 p.m.

The respondent authorities shall make necessary security arrangements and shall keep a strict vigil at the locale.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

Parties shall act on a server copy of the order obtained from the official website of High Court at Calcutta.

(Jay Sengupta, J.)