

23.09.2024
Sl. No.10(DL)
srm

W.P.A. No. 23698 of 2024

Sankar Jana

Versus

The State of West Bengal & Ors.

Mr. Billwadal Bhattacharyya,
Mr. Anish Kumar Mukherjee,
Mr. Tamoghna Pramanick
...for the Petitioners.

Mr. Amal Kumar Sen, Id. AGP
Mrs. Ashima Das (Sil)
...for the State-respondents.

Despite service, none appears on behalf of the school authority. Affidavit-of-service is taken on record.

The question before this Court is whether the petitioner should be allowed to organise a cultural and social event within the campus of Dekashimpur Basanti Balika Vidyalaya (H.S.), Purba Medinipur from 7th October, 2024 to 13th October, 2024.

The petitioner contends that although there is a bar with regard to using the school campus for political rallies and demonstrations, cultural activities within the school campus is not prohibited.

Mr. Sen, learned Additional Government Pleader appearing on behalf of the State-respondents points out to a

memorandum dated December 18, 2018 issued by the Commissioner, Directorate of School Education, West Bengal to the Director, SCERT, West Bengal, the District Inspectors of Schools (PE) & (SE), Principals, Govt./Govt. Sponsored/Govt. Aided institutions, Headmasters and Headmistress of Govt. Schools. It appears that the Commissioner of School Education has deprecated the practice of using the school infrastructures for non-educational purposes. According to the Commissioner of School Education, the use of buildings and infrastructures of such premises for non-educational purpose, negatively impacted the pedagogical interests of the students studying in such schools and institutions.

Mr. Bhattacharyya, learned Advocate appearing on behalf of the petitioner submits that during the Durga Puja festival, the school would remain closed and the curriculum will not suffer in any way. It is also submitted that some schools had time and again permitted such kind of social events within its campus and instances have been pleaded with photographs.

It is entirely within the discretion and jurisdiction of the concerned school authorities to decide whether the school would allow their campus and grounds to be used by the

petitioner. This writ Court cannot pass a mandatory order asking the school to concede to the request of the petitioner.

The writ petition is disposed of with a direction upon the Teacher-in-Charge of the concerned school, *i.e.* the respondent No.8 or the governing body of the school, to dispose of the representation of the petitioner in accordance with law and pass a decision independently, on the basis of the memorandum dated December 18, 2018 being annexure P-1 at page 31 of the writ petition and other rules and regulations. The decision shall reach the petitioner within a week from date of communication of this order and all parties shall act on the server copy of this order.

The learned Advocate-on-record for the petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the respondent No.8, once again.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)