

07.10.2024
Court No.09
Item no.17
CP

WPA No. 25404 of 2024

Sankar Jana
Vs.
The State of West Bengal & ors.

Mr. Anish Kumar Mukherjee
Mr. T. Pramanick
.... for the petitioner.

Mr. Somnath Ganguli
Ms. Kalpita Paul
.....for the State.

Mr. Nirmalya Kr. Das
.....for the respondent nos. 7 & 8.

The prayer for permission to organize a social and cultural event in the school's compound, cannot be granted by the writ court.

The school has been established to impart education to students. There is an existing notification of the Commissioner of School Education, prohibiting activities which do not form part of the curricular and co-curricular activities, inside the school's campus. By an earlier order, the school authority was directed to decide whether any social or cultural activity could be permitted within the said school, namely, Dekashimpur Basanti Balika Vidyalaya (H.S.) between October 7, 2024 to October 13, 2024. The school did not grant such permission on the ground that the superior authority, i.e., the District Inspector of Schools would

have to take such decision. The teacher-in-charge claimed to be bound by the notification.

Today, the petitioner has approached the court challenging the decision of the teacher-in-charge. First and foremost, this court had not directed the teacher-in-charge to allow the petitioner to conduct the social and cultural event. Secondly, the Government has a policy which prohibits social and cultural events inside the school's campus. The said policy finds reflection in a notification, the existence of which, is admitted by the petitioner. The teacher-in-charge expressed his inability to accord any permission. Such inability amounts to refusal. The fact that the teacher-in-charge had sent the matter to the District Inspector of Schools for consideration, cannot be a ground to entertain the writ petition at this belated stage. The petitioner cannot compel the school to allow him to organize social and cultural event in the school's premises. The writ court cannot issue a mandamus upon the school, allowing such event. Admittedly, the premises belongs to the school. The school is the owner of the property.

Under such circumstances, the writ petition cannot be entertained. Article 14 of the Constitution cannot operate in the negative. The petitioner's plea that other schools have allowed cultural and social events to be organized in their premises, cannot be a

ground to pass a mandatory order on the school to allow the present social event.

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.)