
(1958) 04 CAL CK 0005
In the Calcutta High Court

Hazi Mohammad Ibrahim

APPELLANT

Vs

District School Board Malda and Others

RESPONDENT

Date of Decision : 03-04-1958

Acts Referred:

Constitution of India, 1950 — Article 19

Citation : AIR 1958 Cal 401

Hon'ble Judges : P.B. Mukharji, J

Bench : Single Bench

Advocate : Panchanan Pal and Jagadindra Nath Maity, for the Appellant;

Final Decision : Dismissed

Judgement

P.B. Mukharji, J.—This is an application by one Hazi Mohammad Ibrahim. He is a teacher or claims to be a teacher in Noada Jodhpur Primary School in Malda. His complaint is against the restriction imposed on what he calls his guaranteed freedom as a citizen under Article 19 of the Constitution.

2. Clause 6 of the resolution of the District School Board, Malda, which is in Bengali and which has not been correctly translated in paragraph 4 of the petition reads as follows on a free translation:

"Clause 6. Right to contest in political and self-governing institutions.

It was decided by the Board meeting of 15-1-58 that the teachers of the Primary School of the district should not be a member of any political institution. Such teachers should not also contest in any rivalry to become members of the Union Board, Panchayat, District Board or any other local self-governing institutions. It was further decided that without the Board's permission these teachers should not be members or office bearers of village library or club. Without the Board's permission these teachers shall also not accept the post of the village postmaster. It will be seen on examination whether for doing these works any dissension is created in the village or any harm is done to the school. In such cases without the Board's previous permission no teacher would act as an office

bearer."

I should have thought that this was a very wholesome and reasonable restriction. A citizen has freedom under Article 19 of the Constitution to form associations or unions, to practise any occupation and to have freedom of speech and expression. A teacher in service in the primary school is not merely a citizen but he has also got to be under certain terms and discipline of employment. To prevent teachers from getting mixed up with political institutions is a reasonable restriction in my view. To prevent them from entering into rivalries in respect of the Union Board, Panchayat & the District Board is a reasonable restriction because it is detrimental to their calling and occupation of teaching young children whose guardians might be in those different rival groups with whom the teachers may get involved. Teachers are all the better by being & remaining non-partisan & non-factious. Village libraries & village clubs have been centres of many activities other than library or purely social life. Very often they are riddled with cliques and caucus. It is, therefore, provided by this restriction that the Board's permission should be taken by the teachers of the Primary School to engage in these activities. It is not a total or absolute ban. It only requires permission of the Board. In every suitable case the permission may be granted. The test is also laid down by which such permission is to be guided. It is whether such participation creates dissension or party feelings in the village or does harm to the school which should be neutral and serve the needs of all irrespective of parties. I consider it is an eminently desirable provision to keep the streams of education clear and unsullied, and save education from undesirable politics.

3. I am certainly not prepared to allow the Indian Constitution and the discretion it allows me under Article 226 of the Constitution to be used for the purpose for which this application is made. I think this an unmeritorious application. I think the restrictions are justified in law and are reasonable. In my opinion they are sensible and desirable for maintaining standards of teaching and education in the country.

4. The learned Advocate for the petitioner for the Rule relied upon the case of S. Ramakrishnaiah Vs. The President, District Board, Nellore and Others, (A). That was a case entirely different from this one. It was a case about the right of teachers to have their own Teachers Union under Article 19(c) of the Constitution. In my judgment that case or the principle laid down there has no application at all to the facts of this case.

5. I have no hesitation in dismissing this petition summarily.