

(2026) 01 CAL CK 1359

In the Calcutta High Court

Case No : MAT No. 115 Of 2026, Connected With CAN 1 Of 2026, CAN 2 Of 2026

President, Governing Body, Malda College and another

APPELLANT

Vs

Kaushik Mishra and others

RESPONDENT

Date of Decision : 23-01-2026

Acts Referred:

Citation : (2026) 01 CAL CK 1359

Hon'ble Judges : Supratim Bhattacharya, J;Sabyasachi Bhattacharyya, J

Bench : Division Bench

Advocate : Subhrangshu Panda, Sumitava Chakraborty, Haritri Roy, Bikash Ranjan Bhattacharya, Samim Ahammed, Ambiya Khatun, Asif Ikbai Baidya, Nasirul Haque, Reshma Khatun, Sirsanya Bandopadhyay, Deboleena Ghosh

Final Decision : Disposed Of

Judgement

Sabyasachi Bhattacharyya, J

1. The matter is being taken up on urgent basis, upon being assigned by the Hon'ble the Chief Justice to this Bench.
2. At the outset, we find certain defects in the appeal, which are curable in nature. In so far as the report on limitation not being able to be furnished due to non-supply of the certified copy of the impugned order, we dispense with the filing of the certified copy in view of the extreme urgency involved and hereby hold that since it is evident that the order was passed only yesterday, that is, on January 22, 2026, the appeal is well within time.
3. In so far as the defects in the Vakalatnama are concerned, we direct the appellants to file proper Vakalatnama by January 28, 2026 and the order passed hereinbelow shall be subject to such filing.
4. The scope of the appeal is limited and, as such, we take up the appeal along with the applications for hearing, on consent of parties.
5. The brief facts are that the writ petitioners/respondent nos. 1 and 2 had

sought permission to hold a public meeting on the Vrindabani ground in Malda tomorrow, that is, on January 24, 2026 between 12 noon and 5 p.m.

6. For such purpose, an application was made before the Sub Divisional Officer at Malda Sadar on December 29, 2025.

7. According to the writ petitioners/respondent nos. 1 and 2, no response being received thereto, the writ petitioners approached the Sub Divisional Officer and came to know on January 13, 2026, that such permission could not be granted, upon which immediately another application was made for similar permission for holding the meeting between the self-same hours at the Malda College ground. Such application being turned down, the writ petition was allegedly filed.

8. During arguments before the Writ Court, it transpired that since on the scheduled date, a cricket tournament of the Malda College was scheduled to be held on the Vrindabani ground, the permission sought by the writ petitioners initially could not be granted.

9. On such submission being made, the learned Single Judge requested, by the impugned order, the Principal of the Malda College to grant permission for the writ petitioners to hold the meeting between 12 noon and 4 p.m. on the scheduled date on the Malda College ground.

10. Being aggrieved by the said order, the President of the Governing Body and the Principal of the Malda College have preferred the instant appeal.

11. Since the Malda College was not a party to the writ petition, leave is granted to prefer the appeal, as the College is evidently affected by the impugned order.

12. CAN 1 of 2026 is accordingly allowed.

13. Heard learned counsel for the parties.

14. Learned senior counsel appearing for the writ petitioners/respondent nos. 1 and 2, in his usual fairness and on instruction, submits that in view of the inconvenience which will be faced by the Malda College if the meeting is held tomorrow between the scheduled hours at the Malda College ground, as the said College has been selected as a venue of the Joint Entrance Examinations in two shifts tomorrow, that is, on January 24, 2026, the writ petitioners do not want to disrupt such examination schedule and shall hold the meeting elsewhere.

15. On the query of Court, learned senior counsel for the writ petitioners/respondent nos. 1 and 2 further submits that to obtain the necessary permissions and in order to ensure that no law is violated, the writ petitioners/respondent nos. 1 and 2 shall interact with the administration for the purpose of holding the meeting elsewhere.

16. In view of such fair submission, MAT No. 115 of 2026 is allowed, thereby setting aside the impugned order dated January 22, 2026 passed in WPA 1178 of 2026, granting liberty to the writ petitioners/respondent nos. 1 and 2 to hold the

scheduled meeting elsewhere than the Malda College ground, subject to necessary sanctions being taken from the administration.

17. This Court expresses its hope and trust that the administration shall fully cooperate with the writ petitioners/respondent nos. 1 and 2 with regard to necessary sanctions being given to the said respondents, prior to the scheduled hours of the said meeting, that is, from 12 noon tomorrow.

18. It is further clarified that the above request is being made to the administration keeping in view the extreme paucity of time between the present moment and the scheduled commencement of the meeting.

19. Consequentially, CAN 2 of 2026 is also disposed of.

20. There will be no order as to costs.

21. The parties and all concerned shall act on the written communication of the learned Advocates for the parties, coupled with a server copy of this order, for the purpose of compliance of the same, without insisting upon prior production of a certified copy.

22. Urgent photostat certified copies of the order, if applied for, be supplied to the parties at an early date.