

(2020) 02 CAL CK 0007

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 1206 (W) Of 2019

Pritish Sarkar & Anr

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 03-02-2020

Acts Referred:

Citation : (2020) 02 CAL CK 0007

Hon'ble Judges : Tapabrata Chakraborty, J

Bench : Single Bench

Advocate : Kumar Jyoti Tewari, Tarun Jyoti Tewari, Rajlakshmi Ghatak, T.M. Siddique, Ranjan Saha, Arindam Chattopadhyay

Judgement

Tapabrata Chakraborty, J

Affidavit of service filed by the petitioners be kept on record.

Mr. Tewari, learned advocate appearing for the petitioners prays for leave to implead the Joint Secretary to the Government of West Bengal, Department of School Education (Elementary Education), as a party respondent in the present writ petition.

Such prayer is considered and allowed.

The learned advocate-on-record of the petitioners is directed to effect necessary correction in the cause title of the writ petition.

As Mr. Siddique, learned advocate appearing on behalf of the State respondents, can also appear on behalf of the added respondent, service of a fresh copy of the writ petition upon the said added respondent is dispensed with.

Mr. Tewari submits that the petitioner no. 1 is the Secretary of the Motua Maha Sangha, Chakdah Block, Nadia (in short, the said Sangha) and the petitioner no. 2 is also a member of the said Sangha. The said Sangha is a unit of All India Motua Maha Sangha.

The said Sangha organizes Motua Manab Dharma Sammelan in the playground of Mondalhat Primary School, Chakdaha (Kalibazar), Nadia (in short, the said School). Such programme is being conducted for the last twenty-five years. For organizing such programme, this year on and from 15th February, 2020 till 18th February, 2020 the petitioner no. 1 sought for necessary permission from the respondent no. 3 by a representation dated 22nd November, 2019 through the respondent nos. 4 and 5. While forwarding such representation, the respondent no. 5 referred to a Government Order dated 18th December, 2018. As the respondent no. 3 did not reply to the said representation, the petitioner no.1 was constrained to intimate such fact to the respondent no. 7 by a letter dated 1st January, 2020.

Mr. Tewari further submits that during the past twenty-five years, the authorities did not refuse permission to the said Sangha to conduct and organize such programme. Surprisingly, this year no formal permission has yet been issued though the petitioners have made all arrangements to organize such programme. Drawing the attention of this Court to the said memo dated 18th December, 2018, as produced, Mr. Tewari submits that it is incumbent upon the respondent no. 5 to forward such prayer for permission to the competent authority, as referred to in the said memo, to take a final decision.

Mr. Siddique, learned advocate appearing for the State respondents submits that the added respondent no. 8 is the competent authority and in the event the petitioners approach the said added respondent, necessary steps, in accordance with law and in terms of the memo dated 18th December, 2018, would be taken, Let a copy of the said memo dated 18th December, 2018, as produced, be kept on record.

In view thereof, the writ petition is disposed of with liberty to the petitioners to submit a representation by 5th February, 2020 to the added respondent no. 8 seeking permission to organize the concerned programme in the playground of the said School during the period on and from 15th February, 2020 to 18th February, 2020 along with a copy of this order.

In the event such representation is submitted by 5th February, 2020, the respondent no. 8 shall consider the same and take a decision, in accordance with law and communicate the same to the petitioner no. 1 by 11th February, 2020.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties upon compliance of all necessary formalities.