

06
14.02.2025
BP/AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 3570 of 2025

**Shri Debasish Choudhury
-versus-
The State of West Bengal & Ors.**

**Mr. Dhiraj Trivedi. Sr. Adv.
Mr. Billwadal Bhattacharya. Sr. Adv.
Mr. Nilanjan Bhattacharya. Sr. Adv.
Mr. Rajdeep Majumdar. Sr. Adv.
Mr. Amit Chakraborty.
Mr. Dipankar Dandapath.
Mr. Loknath Chatterjee.
Mr. Debashis Basu.
Mr. Anirban Mitra.
Mr. Kaustav Chandra Das.
Mr. Sushil Kumar Mishra.
Mr. Sukanta Ghosh.
Mr. Arijit Majumdar.
Mr. Guddu Singh.
Mr. B.P. Singh.
Mr. Tarun Jyoti Tiwari.
Mr. Subroto Santra.
Mr. Anish Mukherjee.
Mr. Bikash Kumar Singh.
Ms. Shakshi Rathi.
Mr. Sunil Gupta.
Ms. Swapna Jha.
Mr. Anirban Mitra.
Ms. Supriti Sarkar.
Ms. Katha Sarkar.
Ms. Indrani Chakraborty.
Mr. Manabendra Bandopadhyay.
...For the Petitioner.**

**Mr. Kishore Dutta, Sr. Adv., AGP
Mr. Sirsanya Bandopadhyay. Sr. Standing
Counsel.
Ms. Amrita Panja Moulick.
Mr. Akash Dutta.
... For the State.**

1. Affidavit-of-service filed today in Court be kept with the record.

2. The petitioner claims to hold responsibility as the Zilla Karyavaha of the RSS. The Sarsanghachalak of the said organization intends to address the volunteers of the RSS and their families at the Sports Authority of India Complex, Talit, Purba Bardhaman on 16th February, 2025 from 11 a.m. to 12.15 p.m.
3. The Sports Authority of India had permitted the petitioner to organize the said event within their complex which, according to the petitioner, comprises of approximately 50 bighas i.e. 7,20,000 square feet. The event is claimed to be held in a small portion of the said venue within approximately five thousand square feet.
4. The Sub Divisional Officer, Sadar North being the respondent no. 5, referring to the order dated 24th February, 2022 by the Department of Environment, is not permitting the petitioner to use microphone or sound boxes to address the gathering.
5. According to the petitioner, without the use of the sound system, the message of the speaker cannot reach the gathering.
6. The order dated 24th February, 2022 mentions about the order passed by this Court on 11th August, 1998 in C.O. No. 4303 (W) of 1995 which prohibits the use of loud speakers/public address systems in areas where educational institutions are located, from three days prior to the commencement of Secondary (Class-X) and Higher Secondary (Class-XII) examinations conducted by a recognized Educational Board or Council like the West Bengal Board of Secondary Education, West Bengal Council of Higher Secondary Education, West Bengal

Board of Madrasah Education, ICSC, ISC and others till completion of such examinations.

7. According to the petitioner, loud speakers will not be used in the said event. It is only sound boxes that will be used and the sound would be limited within the place where the event will be held.
8. It has been averred in the writ petition that the two schools near the venue is approximately 1 and 2 kilometers away from the outer wall of the subject complex. The event will be held on a Sunday and will not interfere with the examinations as no examination is scheduled on a Sunday.
9. Prayer has been made to permit the petitioner to conduct the said event without any objection being raised by the respondent authorities.
10. The learned Advocate General opposes the said application. It has been submitted that the prohibitory order is a general order and it is in place since 2022 onwards. The said prohibitory order has been passed in compliance of the order passed by this Court.
11. Such restriction has been imposed in the interest of smooth conduct of the examinations. Some of the aforesaid examinations are ongoing. The petitioner ought to have been aware of such restriction and should have scheduled the event beyond the period that is mentioned in the prohibitory order.
12. It has been submitted that it may not be possible to regulate the sound at the time of the event and, accordingly, the event ought to have been re-scheduled.
13. I have heard the submissions made on behalf of both the parties.

14. Admittedly, the Madhyamik Examination is ongoing.
15. However, as the event has been scheduled on a Sunday which is a holiday and, that too, for only 1 hour and 15 minutes and, according to the instruction of the State respondents, the nearest school in the locality is nearly 500 meters away from the SAI complex, hence, there is no scope for causing any interference or disturbance to the examinees at the time of the examination.
16. The Court, accordingly, permits the petitioner to conduct the event in such a manner so that it does not cause any inconvenience to any of the examinees who may be busy with their examination preparation.
17. The petitioner should behave in a responsible manner and ensure that the sound is kept to the minimum level so as not to cause any difficulty or problem to any person whatsoever.
18. The writ petition stands disposed of.
19. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
20. Certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)