

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 22637 of 2023

Ashis Khamrai

Versus

State of West Bengal and others

For the petitioners

Mr. Koustav Bagchi

Mr. Debayan Ghosh

Ms. Priti Kar

For the State

Mr. Mr. Amal Kumar Sen

Mr. Jaladhi Das

Heard on

20.09.2023

Judgment on

20.09.2023

JAY SENGUPTA, J:

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to forthwith grant permission to the petitioner to hold a rally of job aspirants at the place as indicated.

Affidavit of service filed in Court is taken on record.

A copy of the response of the Commissioner of Police (HQ), Kolkata in response to the prayer for having a road-march on 27.09.2023 is also taken on record.

Mr. Bagchi, learned advocate appearing for the petitioner submits as follows. The petitioner is the Convenor of WBGDRB – 2017 Group – D Waiting, Aikya Mancha. This comprises of 600 job aspirants who, in spite of having required qualifications were not granted appointments as Group-D employees by the Government of West Bengal. They had been sitting in a peaceful sit-in demonstration near Matangini Hazra Murti, Kolkata since August, 2022 for ventilating their grievances. They want to hold a road-march on 27.09.2023 at about 1 pm with about 600 job aspirants. Initially, it was stated that the road-march would start from Hazra More and move through Kalighat Fire Brigade to Harish Mukherjee Road to Debendra Ghosh Road to ATM Road to S.P. Mukherjee Road and end at Hazra Crossing. The prayer was turned down by the respondent authorities showing that there was an order promulgated under Section 144 of Cr.P.C. Finally, it agreed upon with the authorities of the State that the road-march or rally would have the following route - Theatre Road to Camac Street Crossing to Nizam Palace to Exide More to Ashutosh Mukherjee Road and will end at Hazra More with the delivery of some speeches.

Mr. Sen, learned AGP appearing on behalf of the State, submits that due to the promulgation of an order under Section 144 of Cr.P.C. and because of tremendous traffic congestion in the area, the initial route suggested was objected to. However, the State respondents are agreeable to the alternative route suggested by the petitioner. However, the procession has to be carried out in an ordinary manner and following the existing rules and provisions of law in this regard. The suggested format of terms and conditions have also been supplied to the petitioner in this regard.

I have heard the learned advocates for the parties and have perused the writ petition and copies of relevant documents.

It appears that the petitioner and the respondent authorities have agreed upon a particular route for the proposed rally/procession on 27.09.2023 as referred to above.

The petitioner shall take out and hold such rally/procession between 1 pm and 5 pm on the agreed route as mentioned above in accordance with law.

It is clarified that the entire programme should come to an end at 5 pm.

The respondent authorities shall make necessary police arrangements for the security of the participants and the passersby and shall keep a sharp vigil at the locale.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]