



Court on its own motion versus State of H.P. & others

CMPs No. 2169 & 2242 of 2022
in CWPIL No. 146 of 2017

10.03.2022 Present: Ms. Parul Negi and Mr. Ajay Srivastava, Advocates,
for the applicant in CMP No. 2169 of 2022.

Mr. Rakesh Kumar Sharma, Advocate, for the
applicant in CMP No. 2242 of 2022.

Mr. Ashok Sharma, Advocate General, with Ms.
Ritta Goswami, Additional Advocate General, for
the respondents-State.

CMP No. 2169 of 2022

This application has been filed by H.P. Sports,
Cultural & Environment Association through its General
Secretary with the prayer that the applicant-Association be
allowed to organize a cultural event on the occasion of Fag
Fair on 19th and 20th March, 2022 in the premises of Padam
Government Senior Secondary School, Rampur, District
Shimla.

2. It is contended that the organization of the said
event in the playground of the aforesaid school will not
adversely affect the studies of the students in the school as the
said event will be conducted during the evening hours between
06.00 P.M. to 10.00 P.M. The Principal of the school has also
given his No Objection for holding such event in the
playground of the school.

3. In view of the orders passed in CWPIL No.146 of
2017, restrictions have been made to utilize the playgrounds of



-: 2 :-

the Schools/Colleges holding any such programme, therefore, the applicant has filed the present application.

4. Learned Additional Advocate General has submitted that in the past also, similar permission has been granted by this Court for the activities like the present one on certain conditions.

5. We are, therefore, persuaded to allow this application and permit the applicant to organize a cultural event on the occasion of Fag Fair on 19th and 20th March, 2022 in the premises of Padam Government Senior Secondary School, Rampur, District Shimla, on the following conditions:-

- (i) That no damage shall be caused to the property of the school and its playground, where the event is proposed to be organized;
- (ii) That after event is convened, the playground shall be handed over to the Principal of the School in neat and clean condition;
- (iii) That the applicant shall follow the COVID protocols, such as norms of social distancing and use of masks etc. and other guidelines issued by the State Government and the Central Government;
- (iv) That the law and order shall be maintained by the local administration during the said period; and



-: 3 :-

(v) That the applicant shall deposit a sum of ₹ 5000/- in the Students Welfare Fund of the school.

6. The application stands disposed of.

CMP No. 2242 of 2022

7. This application has been filed by one Devinder Kumar, President of Royal Cricket Club Barchhwar, District Mandi, H.P. seeking permission of the Court to organize the Cricket Tournament in the campus of Government Degree College Sarkaghat, District Mandi with effect from 8th March, 2022 to 15th March, 2022.

8. It is contended in the application that the Club has approached the concerned Sub Divisional Officer (Civil) Sarkaghat, District Mandi on 5th February, 2022 and also the Principal of the said College on 7th March, 2022 seeking their permission. The District Administration, however, declined to do so in view of the orders passed by this Court in CWPIL No. 146 of 2017.

9. The learned Additional Advocate General submits that she has been instructed by the Principal of said College to oppose the application because the examination of the students are underway in the morning session from 09.00 A.M. to 12.00 noon and in the evening session from 02.00 P.M. to



-: 4 :-

05.00 P.M. Therefore, it would not be conducive in the welfare of the students to allow the applicant to hold the tournament in the playground of the Government Degree College, Sarkaghat.

10. The perusal of the application made to the Sub Divisional Magistrate (Civil) Sarkaghat and the Principal of the College, the copies whereof have been annexed with the application, indicates that the tournament was proposed to be organized from 6th March, 2022 to 15th March, 2022. In the prayer clause, now permission has been sought for the period from 8th March, 2022 to 15th March, 2022. Three days have already passed.

11. Considering that the applicant has neither obtained No Objection of the Principal of the College and also that the learned Additional Advocate General has opposed such prayer, we are not inclined to allow this application. The application is accordingly dismissed.

(Mohammad Rafiq)
Chief Justice

(Jyotsna Rewal Dua)
Judge

March 10, 2022
(rajni)