



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

CMP Nos. 2891, 2937, 3136 &
3199, 3277 of 2022 in CWPIL
No. 146 of 2017

29.03.2022 Present: Mr. Ashok Sharma, Advocate General, with
Mr. Vikas Rathore, Additional Advocate General,
for the applicants-respondents-State in CMP Nos.
2891, 2937, 3136 & 3199 of 2022.

Ms. Suchitra Sen, Advocate, for the applicant in
CMP No. 3277 of 2022.

CMP No. 2891 of 2022

This Court in its judgment dated 11.12.2017 passed in
CWPIL No. 146 of 2017 made absolute the directions issued in the
petition on 22.09.2017. Vide order dated 22.09.2017, it was *inter
alia* directed that ‘no activity other than the one connected with the
affairs of the institution shall be carried out in any of the campuses,
meant for imparting teaching to students, be it a primary,
secondary, higher or college levels’. In the judgment dated
11.12.2017, all the concerned authorities were directed to ensure
that campuses/premises of the educational institutions, including the
colleges, are not used for activities other than educational and co-
curricular activities necessary in the interest of students. The
relevant part of the judgment reads as under :-

*“7. We take the assurance given by the learned Advocate General on
record and dispose of this petition by making order, dated
22.09.2017, absolute by directing all the concerned authorities to
implement the same in letter and spirit and ensure that
campuses/premises of the educational institutions, including
Colleges are not used for activities, other than educational and co-
curricular activities necessary in the interest of the students. We
further direct that if for the purpose of holding international affairs,*



part of premises of educational institutions are used, then the Deputy Commissioner concerned shall ensure; (a) that studies of the students do not suffer; (b) no loss should be caused to the property of the College; and (c) that at all times, law and order shall be maintained during the fair/festival.”

2. The Deputy Commissioner Mandi is the applicant in the instant application. A prayer has been made for granting permission to use the ground of Government Senior Secondary School Karsog, District Mandi, H.P. for holding Nalwar ‘Mela’. It has been pleaded that District Level Nalwar Mela has been proposed to be celebrated on the playground of Government Senior Secondary School Karsog, District Mandi w.e.f. 05.04.2022 to 11.04.2022. The applicant has submitted that Nalwar Mela has been celebrated over the years on this ground as no other ground is available in the town. A No Objection Certificate (NOC) dated 04.03.2022 issued by the Principal of the school concerned for organizing the said Mela has also been appended. It would be appropriate to extract the content(s) of the said NOC as under :-

‘NO OBJECTION CERTIFICATE’

“This is to certify that like previous years the seven days Distt. Level **‘MELA NALWAR KARSOG’** is proposed to be organized w.e.f. **05.04.2022 to 11.04.2022** in the play ground of Govt. Sr. Sec. School Karsog, Distt. Maandi (HP). Although, the Annual Examinations of 8th to 12th classes are also going to be conducted w.e.f. 09.03.2022 to 19.04.2022 as per the schedule / date sheet circulated by Himachal Pradesh Board of School Dharamshala, Kangra (HP).

Therefore, “NO OBJECTION CERTIFICATE” for using of playground of GSSS Karsog during the period of 05.04.2022 to 11.04.2022 for organizing of Mela Nalwar Karsog is hereby granted subject to the conditions that the no Loudspeakers will be used/played during the time of conduction of Board Examination right from 9.00 A.M. to 12.00 P.M. and 2.00 P.M. to 5.00 P.M. and the unauthorized entries of the people near examination halls / rooms may be contained and in addition to this the playground so used may also be vacated after concluding of the Mela, so that the routine academic environment of



school as well as safety of property in respect of this institution could be maintained, accordingly.

The requisite 'No Objection Certificate' is herewith submitted to the office of the Block Development Office Karsog, District Mandi (HP) as required, please."

3. We have given our careful consideration to the above extracted No Objection Certificate. In this certificate, the Principal of the concerned school in a very subtle manner, has mentioned following facts :-

- (i) Annual Examinations in the school are going to be conducted w.e.f. 09.03.2022 to 19.04.2022.
- (ii) The Annual Examinations pertain to Class 8th to 12th.

Despite annual examinations of 8th to 12th classes being held in the school in question, the Principal apparently on the asking of the applicant-Deputy Commissioner, District Mandi, has given the NOC for use of school's playground for organizing Nalwar Mela ,during the period 05.04.2022 to 11.04.2022. He has also placed riders on the grant of NOC viz (i) no loudspeaker would be used during the time of conduct of Board examinations from 9.00 a.m. to 12.00 p.m. and 2.00 p.m. to 5.00 p.m. ; (ii) Unauthorized entries of people near examination halls/class rooms is to be contained and (iii) routine academic environment of school as well as safety of its property is also to be maintained.

Considering the facts mentioned and the riders placed by the Principal of the school in question in the guarded 'No Objection Certificate', which gives clear indication about holding of



annual examinations of 8th to 12th classes in the school w.e.f. 09.03.2022 to 19.04.2022 and the fact that the Nalwar Mela is proposed to be organized by the applicant during this very period, we are not inclined to allow the application. The annual examinations of 8th to 12th classes cannot be postponed, though the Mela in question can be re-organized depending upon convenience of the school and in accordance with the judgment dated 11.12.2017 rendered in CWPIL No. 146 of 2017. Grant of prayer for holding Nalwar Mela w.e.f. 05.04.2022 to 11.04.2022 on the ground of school in question will be against the letter and spirit of the directions issued in the judgment dated 11.12.2017 passed in CWPIL No. 146 of 2017. Therefore, we do not find any merit in the application and the same is dismissed. The applicant shall be at liberty to move again for organizing the fair in question as per convenience of the school and in accordance with the directions contained in the judgment dated 11.12.2017 passed in CWPIL No. 146 of 2017. The application stands disposed of.

CMP No.2937 of 2022

The applicant is the Deputy Commissioner, District Mandi and has prayed for organizing District Level Kisan Mela Fair on the ground of Government Senior Secondary School Padhar, District Mandi, H.P. w.e.f. 15.04.2022 to 19.04.2022. The application is not even supported by the No Objection Certificate from the concerned school. However, for the reasons assigned in the order passed in CMP No. 2891 of 2022 and taking note of the fact that Annual Examinations of Class 8th to 12th are scheduled w.e.f. 09.03.2022 to 19.04.2022, the prayer made in this application is



declined. The applicant shall be at liberty to move again for organizing the fair in question as per the convenience of the school and in accordance with the directions contained in the judgment dated 11.12.2017 rendered in CWPIL No. 146 of 2017. The application stands disposed of.

CMP No.3199 of 2022

The applicant is the Sub Divisional Magistrate Ghumarwin, District Bilaspur, H.P. and has prayed for organizing Sports and Cultural activities in respect of Garishma Utsava fair/festival at the ground of Government Senior Secondary School (Boys) Ghumarwin, District Bilaspur, H.P. w.e.f. 05.04.2022 to 09.04.2022. However, for the reasons assigned in the order passed in CMP No. 2891 of 2022 and taking note of the fact that Annual Examinations of Class 8th to 12th are scheduled w.e.f. 09.03.2022 to 19.04.2022, the prayer made in this application is declined. The applicant shall be at liberty to move again for organizing the fair in question as per the convenience of the school and in accordance with the directions contained in the judgment dated 11.12.2017 rendered in CWPIL No. 146 of 2017. The application stands disposed of.

CMP No. 3136 of 2022

Learned Additional Advocate General prays for time to produce 'No Objection Certificate' from the Principal of the College concerned.

CMP No. 3277 of 2022

Learned Additional Advocate General to find out whether the playground of the Government Post Graduate Degree



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College, Rampur Bushehar, where the seminar is proposed to be organized on 4th April, 2022, is a part of the college premises or is situated at a distance place, particularly when as per the 'No Objection Certificate' granted by the Principal of the aforementioned college, the annual examination of PG/B. Ed classes are scheduled to take place.

(Mohammad Rafiq)
Chief Justice

29th March, 2022 (K)

(Jyotsna Rewal Dua),
Judge