



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

CWPIL No. 146 of 2017

24.05.2022 Present: Court on its own motion.

Mr. Hirdya Ram and Mr. Anil Kumar Manget, Advocates, for the applicant in CMP No. 6151 of 2022.

Mr. Rajesh Kumar Sharma, Advocate, for the applicant in CMP No. 6077 of 2022.

Mr. Y.W. Chauhan, Advocate, for the SMC of Government Senior Secondary School, Hallan, Tehsil Shillai, District Sirmour, Himachal Pradesh.

Mr. Nand Lal Thakur, Additional Advocate General, for the respondent-State.

CMP No. 6151 of 2022

This application has been filed by applicant-Shaheed Kalyan Singh Committee, Hallan, Tehsil Shillai, District Sirmour, H.P., through its President-Kundan Singh, seeking permission of the Court to organize District Sports and Cultural Fair in the playground of Shaheed Kalyan Government Senior Secondary School, Hallan, Tehsil Shillai, District Sirmour, from 24th May, 2022 to 26th May, 2022.

2. Learned Counsel for the applicant submitted that this fair is being organized for the last several years in the playground of the aforesaid school and that the Director of Language and Culture Department has submitted a proposal to the State Government on the recommendation of the Deputy Commissioner, Sirmour to declare Shaheed Kalyan



Singh Memorial Sports and Cultural Fair Hallan, Tehsil Shillai as District Level Fair. The Principal of the aforesaid school has also given his “No Objection” for organizing the District Fair and Cultural Fair on the condition that the same be organized after school hours, so that no disturbance is caused to the students of the school.

3. Learned Counsel for the respondent-School Management Committee has submitted that the President of the Committee had given undertaking to the School authorities and SMC Hallan in the year 2019 that in future, the fair would not be organized in the playground of the aforesaid school and that another playground in the name of martyr has been earmarked by the Gram Panchayat and that the said fair should be organized in that ground only. Moreover, the learned Counsel submitted that as per the own-showing of the applicant, this fair would attract about 10,000/- people and about 80 stalls would be installed and that this would cause a lot of damage to the school playground and disturbance to the studies of the students. He further submitted that toilets of the school meant for students and staff, may not be allowed to be used by the people visiting the fair.



4. Learned Additional Advocate General submits that the fair should be allowed to be organized only after the school hours.

5. Learned Counsel for the applicant submitted that another playground has been earmarked by the Gram Panchayat for organizing the District Sports and Cultural Fair, but presently, the same is totally damaged and it cannot be used for organizing the said fair. He prays that for the current year, permission may be granted for organizing the fair in the playground of aforesaid school.

6. Considering the totality of the circumstances and also the undertaking given by the President of the School Management Committee and also taking into consideration the submission that the another playground earmarked by the Gram Panchayat for organizing the said fair, is not in an useable condition and also the condition put forth by the Principal of the School for giving his consent to organize the fair, this Court is persuaded to allow this application and permit the applicant to organize the District Sports and Cultural Fair in the playground of Shaheed Kalyan Government Senior Secondary School, Hallan, Tehsil Shillai, District Sirmour, from 24th May, 2022 to 26th May, 2022, only after school hours i.e. after 4.00 p.m., so that the studies of the students may not be disturbed and from the next year



onward, the organization will conduct the fair in the playground earmarked by the Gram Panchayat. However, the same shall be subject to the following conditions:-

- (i) That no damage shall be caused to the property of the school and its playground, where the fair is proposed to be organized.
- (ii) That after the fair is organized, the playground shall be handed over to the Principal of the school aforesaid in a neat and clean condition and it shall be ensured that no plastic is used except the one permissible under the law. The administration shall ensure that the playground is cleaned after the fair from 26th May, 2022.
- (iii) That the applicant shall follow the COVID-19 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 toilets of the school meant for students and staff shall not be allowed to be used by the people visiting the Fair and the Shaheed Kalyan Singh Committee, Hallan, Tehsil Shillai, District Sirmour, H.P., shall make proper arrangement of the toilet(s) for the visitors of the fair.
- (v) That the law and order shall be maintained by the local administration during the said period/
- (vi) That the applicant shall deposit a sum of Rs. 11,000/- in the Students Welfare Fund of the School.



2017:HHC:8177-DB

The application stands disposed of.

CMP No. 6077 of 2022

Learned Additional Advocate General prays for
time to seek instructions.

List on 25.05.2022.

(Mohammad Rafiq)
Chief Justice

(Sandeep Sharma)
Judge

May 24, 2022
(hemlata)