



**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**PUBLIC INTEREST LITIGATION (PIL) No. - 542 of 2025**

Girja Shankar

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

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Counsel for Petitioner(s)	: Anurag Khanna (Sr. Adv.), Azad Khan, Raghav Dev Garg
Counsel for Respondent(s)	: Amit Negi, C.S.C., Chandan Sharma, Shubham Tripathi

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**Chief Justice's Court**

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE**  
**HON'BLE KSHITIJ SHAILENDRA, J.**

**Order on Civil Misc. (Clarification) Application No.4 of 2025.**

1. An affidavit filed on behalf of Bishop Johnson School and College, Prayagraj ('the Institution') today in Court through Shri Amit Negi Advocate, is taken on record.
2. This application has been filed by the applicant-Bazm-e-Virasat Foundation, a Society registered under the Societies Registration Act, 1860 ('the Act of 1860') having its registered office at 23/13, Kamla Nehru Road, Civil Lines, Prayagraj, seeking clarification in the order dated 14.10.2025 passed by us in PIL No.542 of 2025.
3. Prayer has been made to make a clarification that the said judgement shall not preclude non-profit cultural and educational events such as 'Bazm-e-Virasat 2025' organized without any commercial

activity or private gain in the premises of a private unaided minority Institution during vacations of the said Institution. Further prayer has been made to issue a direction upon local administration of Prayagraj permitting the applicant to organize 'Bazm-e-Virasat 2025' from 19<sup>th</sup> to 21<sup>st</sup> December 2025 at Bishop Johnson School and College, Prayagraj, subject to usual safety and administrative conditions imposed by the competent authorities.

4. The application is supported by affidavit stating that the applicant-Foundation is a non-profit cultural organization registered under the Act of 1860 devoted to the promotion and preservation of rich composite culture, performing arts, literature and heritage of State of U.P., particularly Prayagraj with following primary objectives:-

- (i). To promote periodical events and programmes encouraging music, literature, culture and art at various venues in and around Prayagraj;
- (ii). To arrange special demonstrations and performances by notable artists to boost public interest in various arts of the country;
- (iii). To take appropriate steps for the protection of heritage, art, culture and works of art;
- (iv). To establish public libraries and promote traditional arts and handicrafts;
- (v). To hold photo and art exhibitions highlighting the legacy of Prayagraj;
- (vi). To undertake activities furthering the objects of the Societies with the aim of achieving national integration through art and culture.

5. It is further stated that the Foundation is registered with the GST Department and also under Section 12-A of the Income Tax Act, 1961; enjoys exemption under Section 80G of the Act and functions entirely on donations and contributions from benefactors and patrons and that the office-bearers or members of the Society draw no remuneration or profit from its activities.

6. It is further stated that the applicant organized first edition of its annual cultural festival titled as 'Bazm-e-Virasat' in December, 2024 which received overwhelming participation from citizens and art

enthusiasts; the event was partly sponsored by the Ministry of Tourism, Government of Uttar Pradesh which extended financial and institutional support to the event in recognition of its contribution to the promotion of the State's art, culture and heritage; the festival is not a private or commercial venture but a State-recognized cultural initiative of substantial social and educational value for the city of Prayagraj; the festival featured performances by Padma Vibhushan Pandit Hariprasad Chaurasia, Padma Shri Smt. Shubha Mudgal and several other distinguished personalities from the fields of music, theatre, cinema, literature and poetry including noted actors, film-makers, poets and classical artists of national eminence. It is further stated that modest ticket contributions collected from attendees were utilized entirely for artists' fees, logistics, sound and stage arrangements and related expenses. The Society did not retain any surplus and all accounts were duly audited.

7. It is further stated that the applicant had, during the last edition of 'Bazm-e-Virasat', extended special invitations to the students and teachers of Institution permitting them to attend and participate in the event without any ticket charges or entry fee. The applicant had also actively involved several students and faculty members of the school in the organization and conduct of the festival including assistance in stage management, hospitality and coordination with artists. The collaborative engagement provided the students with valuable exposure to large-scale cultural event management and direct interaction with eminent artists, musicians, poets and scholars.

8. The case of the applicant is that it proposes to organize the second edition of 'Bazm-e-Virasat' from 19<sup>th</sup> to 21<sup>st</sup> December, 2025 at the Institution; the festival will include a broader range of performances featuring classical vocalists, instrumentalists, folk ensembles, poets, film-makers, sports persons and scholars as well as programmes celebrating the cultural and historical identity of Uttar Pradesh. Invitations for the proposed event have already been issued to various nationally and internationally renowned artists and the applicant has

received confirmations from a large number of them. Mention of various artists and other figures from film industry, field of sports, music and literature has also been made by giving their names as Prahlad Tipaniya & Group, Smita Agarwal, Indian Ocean Band, Mohammand Kaif, Suresh Raina, R.P. Singh, Shekhar Kapur, Ashutosh Gowariker, Imtiaz Ali, Anurag Basu, Aditya Srivastava, Faisal Malik and many more.

9. The affidavit further indicates that the applicant, by letter dated 28.07.2025, sought formal permission from the management of the Institution to utilize its grounds and facilities for organizing the proposed event qua which written permission was granted to the applicant on 25.08.2025 subject to compliance with safety, decorum and maintenance norms, however, the judgement dated 14.10.2025 was passed in the present PIL restraining certain activities in the infrastructure belonging to educational institutions and in the light of observations made in paragraph 26 of the judgement, certain clarification is required for the reason that since the proposed event is a non-commercial, artistic and organized by a registered charitable Society in the spirit of promoting education in arts and heritage, the factual scenario is different from the one which was subject matter of the PIL wherein a commercial fair involving sale of goods, trade stalls, amusement rides and other profit-oriented activities entirely inconsistent with educational and cultural objectives were being held and, therefore, restriction imposed therein was appropriate in the facts of that case, however, the same may not be applied for the proposed event.

10. Shri Anurag Khanna, learned Senior Counsel assisted by Shri Raghav Dev Garg, Advocate appearing for the applicant has made submissions in consonance with the stand in the affidavit and it has been contended that since academic activities in the Institution would remain closed w.e.f. 19.12.2025 till 04.01.2026, the three days' event scheduled to be organized on 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> of December, 2025 would not affect the academic activities in the Institution. It is further contended that the event being cultural, non-commercial and non-profitable in nature, restrictions contained in paragraph 26 of the order dated

14.10.2025 be clarified, inasmuch as, after the said order was passed, the permission granted by the Institution has been withheld and the district administration is also not providing any support to the event.

11. Further submission of Shri Khanna is that since permission has been restricted to those activities organized by the "Institution itself", the management of the Institution, i.e. Bishop Johnson School & College, Prayagraj and the District Administration is reluctant in permitting holding of the event by the applicant-Foundation on the pretext that the event is going to be held not by the Institution itself but by a third party, i.e. the applicant-Foundation and, therefore, clarification has been sought for.

12. When the application came up for consideration on 26.11.2025, the Court passed following order:-

**"Civil Misc. (Clarification) Application No. 4 of 2025**

1. Application has been filed seeking clarification of the order dated 14.10.2025 passed in Public Interest Litigation No. 542 of 2025 *inter alia* to the effect that non profit, charitable, cultural and educational events organized without any commercial activity or private gain may also be permitted as by the order dated 14.10.2025, activities to be held in the school premises have been ordered to be confined to be organized by the institution itself.

2. A copy of the application may be served on counsel representing the school inasmuch as the permission claimed by the applicant is only scribed on the letter seeking permission dated 28.07.2025 in contradistinction to the permission granted for the previous year's event as filed at page 79.

3. List on 02.12.2025."

13. Today, an affidavit of Principal of the Institution has been filed stating therein that the Institution received a letter dated 28.07.2025 from the applicant seeking formal permission for using its grounds and facilities for organizing the second edition of 'Bazm-e-Virasat'; the Institution had earlier also granted written permission for hosting three days' event w.e.f. 20.12.2024 to 22.12.2024; the letter dated 28.07.2025 was forwarded to the Chairman of the Institution and, ultimately, *vide*

letter dated 08.10.2025, a formal permission was granted to the applicant-Foundation to hold the event.

14. It is further stated in the affidavit of the Principal that the Institution will remain closed for its winter break from 19.12.2025 to 03.01.2026 and since in the light of directions contained in the order dated 14.10.2025 passed in the present PIL, permission granted *vide* letter dated 08.10.2025 has been withdrawn/kept in abeyance, in case this Court grants permission to host the event subject to necessary approvals from the State Government and district administration, the Institution shall have no objection for hosting the event on its premises.

15. Shri Amit Negi, learned counsel appearing for the Institution has made submissions in consonance with the stand taken in the affidavit of the Principal and it has been submitted that Institution has no objection in allowing the application and clarifying the order, as prayed for.

16. Having heard learned counsel for the parties. First of all, we deem it appropriate to reproduce paragraph No.26 of our order dated 14.10.2025 deciding the PIL as under:-

**“26. Educational institutions are meant for imparting education only and the land and building belonging to such institutions which include their playgrounds also, cannot be permitted to be used for holding any commercial activity under any name, like exhibitions, trade fairs or other kinds of fairs, or sale of one or the other articles and goods etc. Infrastructure of educational institutions is meant to be utilised strictly for the purposes of educational activities and those associated and linked thereto like holding of sports events, cultural, inter-schools competitions, and such other identical curricular activities organised by the institution itself and for no other purpose. ”**

17. The aforesaid directions were issued for the reason that the district administration without application of mind and under misconception granted permission to organize commercial activities in the premises of the educational institution such as exhibitions, trade stalls and other kinds of fairs, sale of articles and other activities of the like nature. Such activities were not only destroying the very infrastructure of the Institution which also includes playground but also were obstructive of

the entire academic environment of the Institution. The objective of issuing directions, as noted above, with a further direction to the State Government to issue a clear and unambiguous circular to that effect was to maintain the academic environment of the Institutions intact and not to permit commercialization of infrastructure of educational institutions where the motive of the management is to earn profits by promoting such commercial activities. It may be noted that in the aforesaid paragraph itself, this Court had permitted use of infrastructure of educational institutions for educational activities and those associated and linked thereto like holding of sports events, cultural, inter-school competitions and such identical curriculum activities.

18. Considering the facts narrated in the application, nature of event proposed to be organised, statement on oath in the affidavit filed in support of application, describing nature of organization, its activities and the stand taken by the Institution in the affidavit of the Principal, we are of the view that though commercialization of infrastructure of educational institutions cannot at all be permitted, as already directed under order dated 14.10.2025, insofar as the proposed event to be organized by the applicant-Foundation is concerned, we do not find it commercial in nature, i.e. to say that any commercial activity in the said event does not stand reflected.

19. Though, it is true that the Institution itself is not organizing the event 'Bazm-e-Virasat', the nature of permission granted in the year 2024 and also this year in terms of letter dated 08.10.2025 which contains specific stipulations that since the event is a cultural and literary event, school will not be charging any fees for the use of its premises, the event will showcase the cultural and literary history of the city and will benefit the students of all the institutions also, all necessary approvals from the State Government and district administration may be placed on school records and most important that the event is being organized during vacations of the school, we do not find that restrictions contained in our order dated 14.10.2025 should come in the way of the applicant or the

Institution in organizing and getting organized the event 'Bazm-e-Virasat' w.e.f. 19.12.2025 to 21.12.2025.

20. In view of the above discussion, we **clarify** the directions contained in paragraph 26 of our order dated 14.10.2025 permitting the applicant as well as Institution to hold/organise the event 'Bazm-e-Virasat' w.e.f. 19.12.2025 to 21.12.2025, subject to necessary approvals from the district and State administration in consonance with their statements on oath made in the affidavit on behalf of applicant as well as on behalf of Institution and strictly in consonance with the letter dated 28.07.2025 (Annexure No.12 of the application) and letter dated 08.10.2025 (Annexure No.1 to the affidavit of the Principal of the Institution).

21. We, however, make it clear that we are permitting the event in peculiar facts brought before us and mere granting this permission will not, in any manner, be treated as relaxing the restrictions imposed by our earlier order dated 14.10.2025. All the stakeholders shall honour the spirit of the order and in case any complaint is received by the Court indicating violation of the restrictions imposed, the Court will be compelled to pass appropriate orders.

22. With the aforesaid observations, the present application stands **disposed of**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

**December 02, 2025**

Jyotsana