

1. This appeal is directed against a judgment and order dated October 28, 2025, whereby a learned Judge of this Court dismissed the appellant's writ petition, being WPA 8524 of 2024.

2. In the year 2014, the appellant had approached a learned Judge of this Court by filing WP No. 9847(W) of 2014, with the grievance that her prayer for grant of stage carriage permit in route nos. 215 and 215/1 had been turned down by the Regional Transport Authority on the ground that there was no vacancy. Learned Counsel for the petitioner had challenged the finding that there was no existing vacancy. Learned State Counsel had reiterated that there was no existing vacancy. However, he assured the Court that the petitioner's application will be considered as soon as a new vacancy arises, on priority basis. The learned Judge disposed of that writ petition by an order dated June 30, 2014, with the following direction:-

“I have considered the submissions of the respective parties and materials on record. I cannot go into the correctness of the factual finding as to whether there is existing vacancy or not. Writ petition is disposed of by giving liberty to the respondent authorities to consider the application of the petitioner afresh for grant of stage carriage permit in Route Nos. 215 and 215/1 on a priority basis as and when new vacancy arises.”

3. The appellant again approached a learned Judge of this court in the year 2023 by filing WPA 23015 of 2023 contending that by a notice dated August 4, 2023, the transport authorities had declared one vacancy in route nos. 215 and 215/1. The petitioner had made a representation seeking issuance of permit in her favour on the said

routes in terms of this court's earlier order dated June 30, 2014. It was prayed that such representation should be considered at the earliest. The learned Judge disposed of that writ petition with the following direction:-

“In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner in terms of the order passed by this Court in WP no. 9847 (W) of 2014 on 30th June, 2014 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

The petitioner is directed to serve copy of this order along with a copy of the application for permit as well as representation to the 2nd respondent at the earliest.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.”

4. Once again the appellant approached a learned Judge of this Court by filing WPA 8524 of 2024, in the present round of litigation. The appellant challenged a resolution taking by the Regional Transport Authority, Kolkata in its meeting held on December 19, 2023, rejecting the application filed by the appellant for issuance of permit in respect of the single vacancy declared in routes 215 and 215/1. When the

application was moved before a learned Single Judge on May 21, 2024, the learned Judge called for a report in the form of an affidavit from the State respondents, annexing to the report all relevant papers. By way of interim measure, the impugned resolution, in so far as issuance of permit on route nos. 215 and 215/1 was concerned, was stayed till July 31, 2024.

5. Report in the form of affidavit affirmed on July 23, 2024, was filed by the Secretary, Regional Transport Authority, Kolkata annexing thereto all relevant documents pertaining to the application of the present appellant.

6. The writ petition came up for final hearing before another learned Judge of this Court on October 28, 2025. By the judgment and order under challenge in this appeal, the learned Judge dismissed the writ petition. The operative portion of the order reads as follows:-

“(11) The legal framework emphasizes public interest and equitable distribution of permits. In this regard section 71 (3) (b), (c) and (d) of the Motor Vehicles Act, 1988, are worth mentioning, which are as follows:-

“71. Procedure of Regional Transport Authority in considering

application for stage carriage permit.—

(1) ** ** *

(2) ** ** *

(3) (a) ** ** *

(b) Where the number of stage carriages are fixed under clause (a), the Government of the State shall reserve in the State certain percentage of stage carriage permits for the scheduled castes and the scheduled tribes in the same ratio as in the case of appointments made by direct recruitment to public services in the State.

(c) Where the number of stage carriages are fixed under clause (a), the Regional Transport Authority shall reserve such number of permits for the scheduled castes and the scheduled tribes as may be fixed by the State Government under sub-clause (b).

(d) After reserving such number of permits as is referred to in clause (c), the Regional Transport Authority shall in considering an application have regard to the following matters, namely:—

(i) financial stability of the applicant;

(ii) satisfactory performance as a stage carriage operator

including payment of tax if the applicant is or has been an operator of stage carriage service; and

(iii) such other matters as may be prescribed by the State

Government:

Provided that, other conditions being equal, preference shall be given to applications for permits from—

(i) State transport undertakings;

(ii) co-operative societies registered or deemed to have been

registered under any enactment for the time being in force;

(iii) ex-servicemen;

(iv) any other class or category of persons, as the State government may, for reasons to be recorded in writing consider necessary;

(12) Hence, there are statutorily mandated categories of persons to be given priority in case of grant of stage carriage permits. Hence, the Court's order must not be read beyond the bounds of the statute, as the petitioner has made endeavour to do in the instant writ petition. Any other case, to be prioritised has to qualify the first round of hurdles of being equal in all other conditions, as provided in the statute. This priority is not absolute but is applicable "when all other conditions are equal".

(13) In this case according to the parameters like the financial stability of the incumbents, their respective experience and others the petitioner has not emerged as an equal to the other incumbent. Rather the other incumbent/respondent outreaches the writ petitioner. Therefore, the writ petitioner not being equal in the context of the parameters as prescribed in the statute, her case could not have been prioritised as

claimed. In that view of the matter, the Court finds no infirmity or illegality as alleged, in the decision of the Board vide resolution dated December 19, 2023. Hence, the instant writ petition should fail.”

7. Being aggrieved the writ petitioner is before us by way of this appeal.

8. Mr. Bhattacharya, learned Advocate appearing for the appellant has urged three points before us. **Firstly**, he argued that the earlier orders of this Court directed the authorities to consider the appellant’s application for permit on the concerned routes, “on priority basis”, upon vacancy arising on those routes. Therefore, there was no scope for the authorities to reject the appellant’s application. Priority had to be given to the appellant as per orders of this Court.

9. Secondly, learned Counsel argued that the resolution dated December 19, 2023, was not signed by all the members of the Board of the Regional Transport Authority, Kolkata Region, who attended such meeting.

10. It was **thirdly** argued that the successful candidate i.e., the private respondent in this appeal, who was granted permit on the concerned bus routes, used her same financial and other credentials for making two separate applications for permits on two separate routes involved in the present litigation. This is impermissible. Had she broken up her credentials for the two separate applications, she would have secured lesser marks than the appellant in the assessment/evaluation

process. In that case, the appellant would have been the successful candidate.

11. Mr. Sen, learned Senior Counsel representing the private respondent submitted that it is absurd to argue that the appellant's credentials could not be evaluated *vis-a-vis* other applicants on the same bus route and that the appellant had necessarily to be granted the permit whether or not she qualified in the evaluation process in terms of the Motor Vehicles Act and the statutory rules.

12. Mr. Sen then submitted that the broad sheet containing the evaluation/assessment of the various applicants was signed by all the members of the Board. He drew our attention to the broad sheet. He submitted that communication of the result by a letter under the Signature of the Chairman of the Board or the resolution passed on the basis of the broad sheet being signed by the Chairman alone, is no irregularity at all. It is a matter of internal management of the authority.

13. In response to the third point argued by Mr. Bhattacharya, Mr. Sen filed a projected broad sheet showing the relative positions of the appellant and the private respondent as well as other applicants for permit on Route 215 and 215/1, after splitting the bank balance and experience of the private respondent into two equal halves for two separate applications on two different routes. We have taken such projected broad sheet on record. A copy was made over to learned Advocate for the appellant. The correctness of the computations in such

projected broad sheet has not been disputed by appellant's learned Counsel. Such projected broad sheet shows that even after splitting of the bank balance and experience of the private respondent, she would be the successful applicant.

14. We have considered the rival contentions of the parties.

15. We are unable to accept the appellant's argument that there was a mandate of this Court directing the respondent authorities to issue permit on the relevant route in favour of the appellant herein. The direction was for "consideration" of the appellant's application "on a priority basis", once vacancy arose on the concerned bus routes. In other words, the authorities were directed to expeditiously consider the application of the appellant once vacancy arose. The consideration necessarily had to be in accordance with the concerned statutory provisions, which has been done in this case. It would appear from the broad sheet that the appellant's rank was 3 having obtained 5.269799 marks out of total 35 marks. The appellants rank was 1 having obtained 10.04081 marks. Hence, we find no merit in the first contention of the appellant.

16. As regards the second contention of the appellant, we find that the broad sheet has been signed by all requisite members of the Board. This is the base document. Lack of signature of all the members of the Board on the minutes of the meeting wherein the Board took the concerned resolution rejecting the appellant's application, is neither here nor there. At the highest, it would be a curable irregularity. It is a

matter of internal management of the respondent authority. We do not find any substance in the second contention of the appellant also.

17. The third argument of the appellant is also meritless. Learned Advocate for the private respondent has demonstrated that even if the financial and other credentials of the private respondent were equally split in connection with the two separate applications for permits on two different routes, the private respondent would still secure highest mark in the evaluation process following the statutory norms, in so far as bus route nos. 215 and 215/1 are concerned. Therefore, it cannot be said that the private respondent has received any undue favour or that any injustice has been meted out to the appellant by issuance of permit on the concerned routes in favour of the private respondent.

18. A factual dispute was sought to be raised by learned Advocate for the appellant to the effect that if one considers the income tax returns of the private respondent for the past few years, it would appear that she has mentioned inflated figures in her application. Disputes of such factual nature are not to be gone into in a writ proceeding. The writ court is generally not concerned with the merits of a decision but with the decision making process. In the present case, no illegality or impropriety in the decision making process could be demonstrated by the appellant.

19. We have considered the judgment and order sought to be assailed in this appeal. It is a well-reasoned order taking into account the relevant statutory provisions. The learned Judge has also correctly

interpreted the earlier orders passed by two other learned Judges of this Court on the two previous writ petitions. We see no reason to interfere with the order under appeal.

20. Accordingly, the appeal fails and is dismissed along with the connected application. There will be no order as to costs.

21. Urgent certified website copies of this ORDER, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

I agree.

(Rishad Medora, J.)

(Arijit Banerjee, J.)