

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7786 of 2015

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Dinesh Prasad Son of Sri Kameshwaar Prasad Singh, Resident of Mohalla-
Hanuman Nagar, P.S. Kankarbagh, District- Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar (Patna).
2. The Principal Secretary-cum-Transport (Dept) Commissioner, Govt. of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. D.I.G. Police Central Area, Patna.
5. Regional Transport Authority, Patna
6. Joint Transport Commissioner-cum- Secretary, Transport Authority, Patna Division, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ghanshyam Tiwary, Advocate.
For the Respondents : Mr. Prasoon Sinha, GA-2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-09-2018

The present writ petition has been filed for the
following reliefs –

*“(I) For that to quash the order dated 11.10.2014 passed by
respondent no. 6 contained in Annexure-2.*

*(II) For that to quash the order dated 12.09.2014 passed by
the members of Transport Tribunal contained in Annexure-
3 that the permit of petitioner has been renewed with a
condition that if the petitioner not replace new Bus within
six months and license of the conductor not produce then
the necessary action was taken against the petitioner.*

*(III) For that any other relief/reliefs which your Lordships
may deem fit and proper under the facts and circumstances*



of the case.”

2. It is submitted that the decision of the Transport Tribunal in its meeting dated 12.09.2014 to the effect that the permit of the petitioner's bus would be renewed with a condition, *inter alia*, of replacement of bus with a new one within six months is wholly contrary to the law laid down by this Court.

3. Learned counsel for the respondents appears and has been heard.

4. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. This Court in its judgment in the case of *Rajesh Kumar Vs. The State of Bihar, 2009 (4) PLJR 715*, after considering the issue in detail observed as follows –

“In view of the facts aforesaid, the decision of the Regional Transport Authority restricting the life of vehicles to be used under any permit to fifteen years cannot be sustained in law and has to be set aside and is set aside accordingly. The consequence would be that petitioners' permit could not have been cancelled on the ground that they had not substituted their vehicle with a newer vehicle.”

5. A similar matter was disposed of by a Division Bench of this Court in C.W.J.C. No. 20058 of 2013 (Annexure-5), directing the petitioner to invite the attention of the State Transport Department to the judgment passed in Rajesh Kumar's case (*supra*) for



appropriate action in the matter.

6. The writ petition is accordingly disposed of in similar terms granting liberty to the petitioner to approach the concerned authority of the State Transport Department inviting attention to the decision in Rajesh Kumar’s case (*supra*) for appropriate action.

(Vikash Jain, J)

Md. Ibrarul/BT

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