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W.P.O. No. 328 of 2020

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(VIA VIDEO CONFERENCE)

SHYAMAL MUKHERJEE
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE ABHIJIT GANGOPADHYAY
Date : 11th March, 2021.

Appearance :
Mr. Debabrata Chakraborty, Adv.
...for the petitioner

Mr. Amal Kr. Sen, Adv.
Mr. Lal Mohan Basu, Adv.
...for the State

The Court: The petitioner's case is that when from Annexure P3 (at page 38 of the writ application), it is found that there was one permanent vacancy in the permit for the route from Kolkata to Chatra, how this vacancy declared as non-existent on 28th January, 2020. The petitioner's application for a new permit in the said route is pending for some years. He prays for issuance of permit in his favour on the said vacancy.

Learned Advocate for the respondent, Mr. Sen referring to page 38 of the application submits that there was actually no vacancy declared. It was stated in the said document being the decision of the State Transport Authority that existing permanent vacancy is one, if the permit no. 20/06(I/S) is declared as

cancelled due to non-renewal of permit by efflux of time. Mr. Sen further submits that on 28th January, 2020, an application was filed for renewal of the permit beyond 7th August, 2016 which was under process due to non-submission of some documents. Wife of the permit holder Mr. Rabindranath Roy informed that Rabindranath Roy, expired on 5th September, 2019 and wife of Rabindranath Roy requested for transfer of the permit in her name. In the said meeting date 28th January, 2020 (at page 60 of the writ application) it was also recorded that the petitioner's application was rejected on that day and there was no vacancy.

Today, Mr. Sen on instruction has handed over a resolution of the STA, West Bengal dated 29th January, 2021 intimated this Court that the application of wife of late Rabindranath Roy has been rejected disclosing reasons therefore and now there is actually a vacancy in the said route and any person can apply for permit in the said declared vacancy.

In view of the above, I do not think there is anything to interfere with the decision of the State Transport Authority taken in the meeting dated 28th January, 2020 which is at page 60.

As there is a declared vacancy now in the said route the petitioner can apply for that and his application for the permit will be considered along with others in accordance with law.

By this order this matter is disposed of.

(ABHIJIT GANGOPADHYAY, J.)