

05-04-2023
Court No.2
Sh/61.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.PA. 554 of 2023

Akik Hossain Chowdhury @ Choudhury @
Chowdhury.

-Vs-

The State of West Bengal & Ors..

Mr. Kumar Shantanu.

..For the Petitioner.

Mr. Subir Kumar Saha,
Ms. Bedashruti Bose.

.. For the State.

Mr. Bikramaditya Ghosh.

For the NBSTC.

Mr. Deborshi Dhar.

For the Private Respondent.

The petitioner is the brother of the private respondent no.6. The grievance of the petitioner is that his brother is holding the driving license by practicing serious fraud on the License Issuing Authority.

This is the second round of writ litigation. In the first round a Co-ordinate Bench by its order dated **June 14, 2022, annexure P-5 at page 18** to the writ petition, directed the 5th respondent therein to consider and dispose of the representation submitted by the petitioner dated March 23, 2022 in the manner and mode as directed therein.

Pursuant to the said direction of the Co-ordinate Bench the respondent no.5 passed its reasoned order dated September 5, 2022, which is impugned in the instant writ petition.

On scrutiny of the said impugned order dated **September 5, 2022, annexure P-6, at page 20 to the writ petition** this Court is of the view that the

respondent no.5 while deciding the issue had considered the materials available before it and since the issue was concerning with the proper age of obtaining licence of the private respondent, a report was also received to verify the School record produced by the relevant School and upon due verification and consideration thereof the impugned order was passed. The petitioner was granted adequate opportunity of hearing. The petitioner had questioned the report produced by the School Authority on the plea that how could the private respondent in the year 1987-1988 being in Class-VI was promoted to Class-VIII during 1988-1989.

After considering the submission made on behalf of the petitioner and on perusal of the records it appeared to this Court that there is no infirmity in the impugned order passed by the respondent no.5. In as much as, the dispute raised by the petitioner are on facts, which cannot be decided by a writ Court without causing a detailed fact finding enquiry and the fact finding enquiry is not the job of a writ Court.

For the foregoing reasons and discussions this Court is of the firm view that, this writ petition is totally devoid of any merit.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is made clear that, this Court has not gone into the merits of the allegations raised by the petitioner.

Resultantly, this **Writ Petition WPA 554 of 2023** stands **dismissed** without any order as to costs.

(**ANIRUDDHA ROY, J.**)