

ORDER SHEET
WPO/2799/2022
IA NO: GA/2/2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

NITESH KHARGA
VS
STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE SUVRA GHOSH

Date : 20th July, 2023.

Appearance:
Mr. Saktipada Jana, Adv.
Mr. Subhajyoti Das, Adv.
....for petitioner

Mr. Shankar Nath Mukherjee, Adv.
Mr. Niraj Gupta, Adv.
...for added respondent

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
....for State

The Court : The decision taken by the State Transport Authority in its meeting held on 20th September, 2022 is assailed in the writ petition.

It appears from the said resolution that eight applications for grant of permanent Stage Carriage Permits for the inter-state route Siliguri to Gangtok were filed by the applicants including the petitioner and the added respondent. Applications filed by the first five applicants were allowed on the basis of “first in and first out” rule. In the process the application filed by the added respondent has been allowed and the petitioner’s application has been rejected.

The State respondents have failed to apprise this Court as to on what basis the said selection was made. The concept of “first in and first out” has not been explained in terms of any law or rule set out by the authority. Since there were five vacancies in the route, the first five applicants appear

to have been chosen for grant of permit without taking into consideration any other aspect of the issue.

Such decision of the authority appears to be arbitrary and not supported by any provision or rule whatsoever. The decision needs to be set aside.

In view of the above, the decision taken by the State Transport Authority, West Bengal in its meeting held on 20th September, 2022 is set aside.

The concerned authority being the second respondent herein, is directed to reconsider the applications filed by all the eight applicants including the petitioner and the added respondent and pass a reasoned order within six weeks from the date of communication of this order, in accordance with law, upon granting an opportunity of hearing to all the applicants including the petitioner and the private respondent.

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

The writ petition being WPO/2799/2022 and connected application being GA/2/2023 are disposed of.

There shall, however, be no order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed not to have been admitted.

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

(SUVRA GHOSH, J.)