

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(APPELLATE SIDE)**

**Present:
The Hon'ble Justice Rai Chattopadhyay**

WPA 5144 of 2024

**Mohan Jha
Vs.
State of West Bengal & Ors.**

For the Petitioner : Mr. Barun Kumar Samanta.

For the Respondent No. 4 : Bhaskar Nandi.

For the State : Mr. Srijan Nayak,
: Ms. Ritruparna Maitra.

**Heard On : 21/08/2024
Judgment on : 21/08/2024**

Rai Chattopadhyay, J.

1. Affidavit-of-service filed in Court today is taken on record.
2. The dispute is with regard to the marks allotted to the petitioner, unsuccessful applicant for permit, with respect to her experience in stage carriage operation.
3. According to the petitioner, his experience should have been counted from the date of initial grant of permit to him whereas on behalf of the State and the private respondent, it has been submitted that the relevant date of consideration would be the

date of application, to count the experience gathered by an applicant till the said date.

4. Mr. Samanta for the petitioner has further submitted that the private respondent has been erroneously considered for such grant, for permits more than one in number, on the basis of the same tax return and bank statement. It is submitted that financial capacity, to ascertain financial stability of him, should have been considered by apportionment of the worth of the respondent shown in those documents, *vis-à-vis* each permit granted to the said respondent.
5. This argument is, however not acceptable. The Courts have time and again held that the Act of 1988, has liberalised the policy of grant of permit. In that event, there is no outer limit of number of permits to be granted to a single person. The provisions of the said Act, has not spent words to say or even imply that a candidate, if is found otherwise eligible cannot be granted permit on more than one route, on the basis of same bank statement or tax return, to justify financial stability of the applicant. In this regard reliance may be made to a Supreme Court judgment reported in **(1990) 4 SCC 459 (S.V. Sivaswami Servai vs. Hafez Motor Transport)**, where the Court has held that permit granted for another route can only

be a relevant circumstance in assessing comparative merits of all the applicants but not decisive or sufficient to refuse consideration for grant of permit for the route in question. Hence refusal to consider claim of some applicants solely on ground that they had been granted permits for some other route in the same sitting is untenable.

6. Considering the dispute involved, the Court thinks it proper to direct the respondent authority R.T.A., Kolkata Region to reconsider the applications in route no. 215, 215/1 (one vacancy) and publish a result finally.
7. Naturally, the result vide the broadsheet and the permit granted to the private respondent should have been suspended during the meantime.
8. However, for the ends of justice, I direct that the permit may not be suspended as was granted earlier to the private respondent till the time, the respondent R.T.A., Kolkata Region comes to a finding finally, as regards the grant of permit for one vacancy in route no. 215, 215/1, in terms of this order and upon consideration with respect to the actual period of experience of the increments, including the petitioner.
9. It is however made clear that the permit granted to the private respondent earlier shall be subject to cancellation, in case the

respondent authority, after consideration afresh, come to a decision otherwise. It shall take a decision on the basis of the documents submitted before it and recast the broadsheet, if necessary and pass a reasoned order therefor.

10. Let the respondent R.T.A., Kolkata Region reconsider such grant of permit in route no. 215, 215/1 (one vacancy) afresh, within a period of eight weeks from the date of communication of copy of this order.
11. The decision of the respondent shall be communicated to the petitioner as well as the private respondent within one week from the date of its order.
12. Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
13. This writ petition being WPA No. 5144 of 2024 is disposed of, along with the pending applications, if any.
14. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)