

18.9.2024
ct.25, sl. 26
sk

Somen Das-Vs--State of West Bengal & Ors..

Mr. N.I.Khan
Mr. Amlan Kr. Mukherjee

...for the petitioner.

Mr. Pantu Deb Roy, Ld. AGP
Mr. Pannalal Bandopadhyay
...for the State.

Affidavit of service filed by the petitioner is taken on record.

The petitioner was an applicant for permanent stage carriage permit in route No. S-128. He applied there for, as against the vacancy filled.

The decision of the Board is vide resolution of meeting dated June 27, 2024 when the petitioner has been informed the following status:.

“No vacancy” rejected.

Mr. Khan, learned advocate appearing for the petitioner challenges the fairness of the process undertaken by the respondent no. 2 alleging non-transparency in publishing the result by dint of the resolution as above. He submits the rejection order should have bear reasons there for or otherwise the same would be tainted with non-transparency and unreasonableness.

Mr. Deb Roy, learned advocate is appearing for the respondent State. He says that the result of the petitioner is due to the result of the filing vacancy by

other eligible candidates. However, he does not dispute to the fact that in case of the petitioner, the respondent authority should have granted adequate and proper reason in support of their decisions to reject the petitioner's prayer.

Perused the records and heard submissions.

It appears that the petitioner being a candidate for grant of stage carriage permit in route No. S-128, 128/1 was informed the Board's decision within three letter order i.e. "no vacancy" rejected.

Evidently, the same is devoid the petitioner's candidature was rejected and what basis the applications have been assessed by the State respondent no. 2.

Thus, the decision of the authority by dint of the said resolution as above appears to be an unreason one and not be sustained in the eye of law.

Hence, the Court finds it proper to dispose of this writ petition with the following directions:-

- i) The decision of the respondent no. 2 vide resolution dated June 27, 2024 with respect to Route S-128, 128/1 be set aside.
- ii) The respondent no. 2 shall consider afresh with regard to the applications and come to a reasoned decision there for, within a period of four weeks time an opportunity of hearing

to the petitioner from the date of communication of this order.

- iii) The reason decision of the respondent no. 2 in this regard shall be communicated to the petitioner within one week from the date of its order.

The writ petition no. WPA 19596 of 2024 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)