

23
23.09.2024
Court No. 25
D.Hira

WPA 22356 of 2024

**Soumya Das
Vs.
State of West Bengal & Ors.**

**Mr. Barun Kumar Samanta,
... for the petitioner**

**Mr. Pantu Deb Roy, ld. A.G.P.,
Mr. Subrata Guha Biswas.
... for the State**

1. Affidavit-of-service filed in Court today is taken on record.
2. This is a writ petition filed by the petitioner being aggrieved by the inaction of the respondent authority, in considering his prayer vide the letter of his learned advocate dated July 30, 2024.
3. The matter relates to rejection of petitioner's prayer for grant of inter-State permit for the route from Chinsurah to Bhubaneswar via Laxmannath, for which the petitioner had applied on May 25, 2023.
4. The State Transport Authority Board, West Bengal has taken a decision in its meeting dated August 18, 2023, that the petitioner's application cannot be entertained in view of no vacancy being in existence.
5. Mr. Barun Kumar Samanta, learned counsel appearing for the petitioner however, differs with what the Board has decided and its reasons. He has relied on the other annexed documents in the writ petition and submitted that one vacancy has arisen in the said route, back in the year 2018, after expiry

of permit No. P.St.P. No. 11/2013 (I/S) and since thereafter, the same has not been renewed.

6. Mr. Pantu Deb Roy, learned Additional Government Pleader representing the State has however, categorically submitted upon instructions that no vacancy has yet been declared pursuant to the statutory provisions for the route as stated above.
7. He says that unless and until notification declaring the vacancy in a route is published, the Board cannot consider the vacancy to be in existence.
8. Therefore, he supports the decision of the Board in the impugned resolution and submits that the writ petition is liable to be dismissed. So far as the fact that permit no. P.St.P. No. 11/2013 (I/S) has expired on June 11, 2018 is concerned, there has not been any specific denial on part of the State respondent, as regards the same.
9. It is a fact as submitted by Mr. Deb Roy, that a duly published notification, declaring vacancy in fleet strength, in a route, would be a starting point for the process of filling up the same, by seeking applications. However, since after 2018, when the said permit as mentioned above has expired, no steps can be seen to have been taken by the concerned respondent authority for declaration of a vacancy notification, vis a vis the expired permit as mentioned above.
10. Under such circumstances, the Court finds no reasonable basis for the respondent authorities not to act upon the permit, as above, having been expired and not renewed as yet.

11. In such circumstances, the Court finds it proper to direct the State Transport Authority, West Bengal/respondent no. 2, to consider petitioner's representation dated July 30, 2024, and pass a reasoned order there upon, after granting him an opportunity of hearing.
12. The exercise as above shall be concluded by the State Transport Authority, West Bengal, within a period of eight weeks from the date of communication of copy of this order and its decision shall be communicated to the petitioner within one week from the date its order.
13. Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
14. This writ petition being WPA No. 22356 of 2024 is disposed of, along with the pending applications, if any.
15. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)