

04.11.2024.
PB
Sl. No.15.
Ct. No.25.

WPA 23857 of 2024

**Prosanta Sahoo
Vs.
State of West Bengal & Ors.**

Mr. Barun Kr. Samanta.
... For the Petitioner.

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

The petitioner is aggrieved that his application for grant of permit dated 11th June, 2024, has been unreasonably and illegally rejected by the Board, State Transport Authority, vide its resolution dated 21st August, 2024 (being Agenda No.16) on the ground that there was no vacancy at the said point of time.

The petitioner's grievance is that after being unable to produce the vehicle pursuant to the offer letter granted by the said respondent authorities to him, pursuant to his earlier prayer for grant of permit, the vacancy continued to subsist. In that event, the petitioner says that the decision of the State Transport Authority vide resolution dated 21st August, 2024, could not be a proper one based on actual facts and circumstances and thus, is unreasonable and arbitrary.

The petitioner has further raised his grievance vide a demand justice notice dated 3rd September, 2024. The same also remains to be considered by the respondent authority.

Mr. Deb Roy, learned advocate appearing on behalf of the State respondent has submitted that there has to be a notification published declaring the vacancy in accordance with law. That, since in this case, there has not been any vacancy so declared, the submission of the petitioner that vacancy continues to exist and the petitioner's application dated 11th June, 2024 should have been considered as against the same, is only misconceived. Mr. Deb Roy has insisted that the petitioner's writ petition is misconceived. It appears that the writ petitioner was previously issued an offer letter by the SDO, West Bengal on 11th October, 2023. Therefore, the petitioner could not produce the vehicle within the stipulated period of time pursuant to the said offer letter and his candidature for grant of permit lapsed that way.

Since admittedly, there has not been any declaration of vacancy in the said place, accordingly, I find force in the submission of Mr. Roy. Unless the vacancy is declared, there could not be any scope for the State respondent authority to consider for fresh application for permit as that of the petitioner dated 11th June, 2024.

Considering all above, this writ petition is disposed of with a direction that the petitioner would be at liberty to apply for permit as and when the respondent authority would be declaring the vacancy in response thereto. In that event, the respondent authority shall consider the petitioner's application in accordance with law.

The writ petition being WPA 23857 of 2024 is disposed of.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties upon compliance of usual legal formalities.

(Rai Chattopadhyay, J.)