

816  
jdt.

**11.03.2024**  
**jb.**

**WPA 24183 of 2023**  
**(Ujjwal Gorain vs. State of West Bengal & Ors.)**

**Mr. Sattwik Bhattacharyya**  
**Mr. Aashutosh Bhattacharyy**  
**Mr. Titas Niyogi**  
**Mr. Aritra Roy**  
**.... For the Petitioner**  
**Mr. Pantu Deb Roy**  
**Mr. Jaladhi Das**  
**.... For the State**

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that though a single vacancy existed in the route Howrah to Ranchi, his application for grant of inter-State stage carriage permit was turned down by the authority on 18<sup>th</sup> August, 2023 with an observation that no vacancy existed in the said route on that date.

Placing reliance on the report in the form of affidavit submitted by the Secretary, State Transport Authority, West Bengal, learned counsel for the respondents submits that an operator named Namita Chatterjee holding permit in the route Howrah to Ranchi applied for surrender/cancellation of her permit which was accepted by the Secretary, State Transport Authority on 23<sup>rd</sup> August, 2023. Before such process of acceptance was completed, the authority inadvertently declared a single vacancy in the route in question on 30<sup>th</sup> June, 2023. The petitioner's application was turned down on

18<sup>th</sup> August, 2023 since there was in fact no vacancy in the route on that date. Upon cancellation of the permit of Namita Chatterjee, one vacancy has arisen in the said route which shall be notified by the authority shortly.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since one vacancy has arisen in the route Howrah to Ranchi via Burdwan, Durgapur, Asansol, Dhanbad, Ramgarh, the concerned authority being the third respondent herein, be directed to issue notification declaring the said vacancy within two weeks from date. Since the application filed by the petitioner was rejected due to mistake made by the authority but for no fault on the part of the petitioner, the 2<sup>nd</sup> respondent be directed to re consider the application filed by the petitioner dated 27<sup>th</sup> March, 2023 upon declaration of the said vacancy and dispose of the same upon affording reasonable opportunity of hearing to the petitioner within two months from the date of declaration of the vacancy, in accordance with law.

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

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**(Suvra Ghosh, J.)**