

13
24.12.2024
Court No. 25
D.Hira

WPA 27647 of 2024

**Sk. Mohibbul Islam
Vs.
The State of West Bengal & Ors.**

**Mr. Sanat Kumar Roy,
Mr. Baidurya Ghosal.
... for the petitioner**

**Ms. Ashima Das (Sil)_.
... for the State**

1. Affidavit-of-service filed in Court today, is taken on record.
2. The respondent no. 2 has passed a resolution on December 3, 2022 granting permit to the writ petitioner, directing him to produce a bus having at least BS-III norms.
3. The said resolution of the Board has been however, overridden by the Secretary, Regional Transport Authority, Purba Burdwan, by dint of the offer letter issued by it on September 17, 2024 thereby directing the petitioner to produce a vehicle of BS-IV compliance.
4. According to Mr. Sanat Kumar Roy, learned counsel appearing for the petitioner, the petitioner thus would be suffering with immense prejudice and financial loss.
5. On behalf of Mr. Amal Kumar Sen, learned Additional Government Pleader, accommodation has been sought for today.

- 6.** The Court finds that the Secretary, RTA, Purba Burdwan, should not be considered to and does not have any authority or power to overturn the decision of the Board, vide its resolution dated December 3, 2022, that too without citing any reason therefor. The Authority deciding about grant of permit and incidental conditions therefor, should only be eligible to reconsider the same, if at all, only in case of any supervening reasons being shown.
- 7.** Considering the facts and circumstances, the Court finds it proper to set aside the offer letter dated September 17, 2024 issued by the Secretary, Regional Transport Authority, Purba Burdwan.
- 8.** The respondent no. 2 is directed to consider the case of the petitioner again in the light of the decision earlier made by it vide its resolution dated December 3, 2022 and pass a reasoned order.
- 9.** Pursuant to the same, let the said respondent Authority, issue a fresh offer letter to the writ petitioner, immediately thereafter.
- 10.** Let the respondent conclude the exercise as above within a period of four weeks from the date of communication of copy of this order and after granting an opportunity of hearing to the petitioner. Its decision shall be recorded in a reasoned order.
- 11.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 12.** With the above observations and directions, the writ petition being WPA 27647 of 2024 is disposed of, along with the pending applications, if any.

- 13.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)