

22.04.2025.
PB
Sl. No.6.
Ct. No.25.

WPA 1053 of 2025

Bijoy Naskar
Vs.
The State of West Bengal & Ors.

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

Mr. Sankar Nath Mukherjee,
Mr. Sk. Samim Akhter.
... For the respondents.

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

A resolution of the Board, State Transport Authority, West Bengal dated December 12, 2024 (being Agenda No. 22) is under challenge in the present writ petition.

The matter relates to non-consideration of the petitioner's prayer for issuance of permit and alleged unauthorized and illegal issuance of permit in favour of the private respondent.

The petitioner, State respondent and the private respondent are represented.

On perusal of the records and having heard the submissions of the learned respective counsels, the Court is of the opinion that while taking decision vide resolution dated December 12, 2024 (being Agenda No. 22), the respondent Board has adopted a policy of first

in first out (FIFO), which is not an approved and valid policy to be adopted while considering the prayer of the intending operators, who have applied before the authority for issuance of permit.

The method applied for selection of the prospective permit holder in the said resolution dated December 12, 2024 (being Agenda No. 22), has not been notified. Also that the same appears to be a methodology adopted in violation of the statutory provisions, for issuance of permit.

In such view of the matter, the Court is of the considered opinion that the impugned resolution of the STA Board dated December 12, 2024, cannot sustain and the same is liable to be set aside.

Hence, for the reasons as above, the instant writ petition is allowed with the following directions:-

- i) The impugned resolution of the STA Board dated December 12, 2024, (being Agenda No.22) is set aside.
- ii) Let the STA Board initiate a fresh procedure for consideration of the applications, which stood pending before it as on December 12, 2024, in accordance with law. In doing so the Board shall consider the applications which were pending before it on or before December 12, 2024, on the basis of the materials and documents available to the respective

parties, on the said relevant date and thereafter.

- iii) Let the decision of the Board in the said fresh procedure in considering the applications for issuance of permit be duly communicated to the present petitioner, within a period of one week from the date of its decision.

The writ petition is disposed of.

Since no affidavit is called for in this case, the allegations made in the writ petition, are deemed to have been denied by the respondents.

Urgent certified copy of this order, if applied for, shall be supplied to the parties, upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)