

26.2.2025

Ct. no.25

D/L.12

samarpita

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 2258 of 2025

Sk. Abdul Samat

Vs.

The State of West Bengal & ors.

Mr. Barun Kumar Samanta

..for the Petitioner

Mr. Pantu Deb Roy, Ld. A.G.P.

Mr. Susanta Guha Biswas

.. for the State-respondents

1. Pursuant to this Court's order dated November 6, 2024 in W.P.A. 23854 of 2024, the petitioner has submitted a comprehensive representation before the respondent Secretary, State Transport Authority Board, West Bengal, on December 13, 2024.
2. He has submitted a fresh online application for grant of permit on December 12, 2024.
3. However, on December 12, 2024, the State Transport Authority Board, West Bengal, has resolved to reject the petitioner's prayer for grant of permit for the reason of no vacancy being existing on the said date, over the route in question, so far as, its fleet strength is concerned.
4. The background of the case is required to be mentioned to a nutshell. Initially, the petitioner was granted the offer letter on April 6, 2023 but could not secure grant of permit due to his inability to produce the

vehicle in due time. That prompted the petitioner to file an application again, for grant of permit before the said respondent authority on June 28, 2024. Since, thereafter, his prayer for grant of permit is being rejected by the respondent authorities on the ground of no vacancy being available over the route in question.

5. However, according to Mr. Barun Kumar Samanta, learned Counsel representing the petitioner, since as against a vacant position in the fleet strength, he has earlier been granted an offer letter, which could not be converted into a permit granted to him, due to some *bona fide* latches on his part, the said position in the fleet strength still remains vacant. In such view of the fact, the ground of rejection of the application of the petitioner, is not only untrue and misleading, but also erroneous and arbitrary and liable to be set aside.

6. Mr. Pantu Deb Roy, learned Additional Government Pleader is representing the State. He has raised serious objections as to the prayer of the petitioner, for the reason, that the petitioner has defaulted to duly comply with and follow up the earlier order of this Court dated November 6, 2024 as mentioned above. He says that, therefore, the petitioner firstly having defaulted to comply with the conditions of the offer letter dated April 6, 2023, and thereafter, with the directions of the Court, would not be eligible to agitate the same prayer time and again.

7. Having heard the submissions of the learned Counsels and perusing the documents, the Court is of

the considered opinion that the present writ petition be disposed of by directing the respondent nos. 2 and 3 to consider the petitioner's representation dated December 13, 2024 and his application for grant of permit dated December 12, 2024 together and pass a reasoned order, unless and until such application is immediately allowed by the said respondent authorities.

8. Let the said respondents consider and dispose of the petitioner's applications as mentioned above, within a period of four weeks from the date of service of the copy of this order and after granting a reasonable opportunity of hearing to the petitioner.

9. Be it mentioned that in case of rejection of the petitioner's application for grant of permit, as mentioned above, if at all, due to non-availability of vacancy, as of now, the, said respondents shall consider the petitioner's application for grant of permit as above, as and when vacancy arises in the fleet strength over the said inter-state route from Bajkul to Bhubaneswar.

10. With the directions as above, the present writ petition being **WPA 2258 of 2025** is disposed of, along with the pending applications, if any.

11. Since no affidavits have been called for, all allegations in the writ petition are deemed to have been denied by the respondents.

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

(Rai Chattopadhyay, J.)