

WPA 3836 of 2025

**Chandan Das
Vs.
State of West Bengal & Ors.**

**Mr. Barun Kumar Samanta.
... for the petitioner**

**Mr. Amit Gupta,
Mr. Shibasish Banerjee.
... for the State**

1. In this case, the petitioner has challenged the impugned notice declaring vacancy dated October 1, 2024.
2. The STA, West Bengal by publishing the said notice declaring vacancy, has declared vacancy in various routes. So far as the Inter-State route from Haldia to Paradwip is concerned, no vacancy as regards the fleet strength of '2' under jurisdiction of STA, West Bengal, is declared thereby.
3. The petitioner, being aggrieved with the notice declaring vacancy dated October 1, 2024, thereby declaring no vacant position in the fleet strength of '2' under jurisdiction of the STA, West Bengal, for the Inter-State route "Haldia to Paradwip" has filed the present writ petition.
4. According to Mr. Samanta, learned counsel for the petitioner, the 2 vacancies which fall within the domain of STA, West Bengal in the said Inter-State route, are not being operated by the existing operators, for a prolonged period.

5. Therefore, according to the petitioner, declaration of no vacancy as regards the fleet strength of '2', which fall within the domain of STA, West Bengal with respect to the said Inter-State route, is based on erroneous information as well as is a wrong and illegal step taken by the STA, West Bengal, by dint of the said notice dated October 1, 2024.

6. Mr. Samanta, learned counsel for the petitioner has submitted that he is in receipt of copy of a letter issued by the Secretary, State Transport Authority, West Bengal to the State Transport Authority, Orissa dated March 26, 2025 thereby seeking information from the Reciprocating Authority as regards the following points:-

- i. **"If there is any Countersignature issued in the said route.**
- ii. **If yes, then how many Countersignatures were issued along with all the relevant details such as Name of the Permit/Countersignature holder, details of the vehicle(s) attached, date of issuance and validity of those Countersignatures (if issued)."**

7. Mr. Amit Gupta, learned counsel for the State has submitted a report of the Secretary, State Transport Authority, West Bengal dated May 5, 2025 in Court today. Let the same be taken on record.

8. The Secretary writes therein that no further detail or progress in the Court case as well as regarding if the vacancy is existing or not for the said two number of positions in the total fleet strength of '4' of the said Inter-State route, is available.
9. Upon consideration of the records and submissions of the learned counsels as well as report and letter submitted by them respectively in Court today, it is found that the Secretary by dint of the said report dated May 5, 2025 has not answered the query, which the Court desired to be reflected in his report.
10. There is no assertion as to whether if two vacancies falling within the domain of STA, West Bengal over the said Inter-State route, are filled up or not.
11. There is no details regarding the name of the permit holders, if any, or details of their permit, if any, as was sought for by the Court to be disclosed in the report of the respondent.
12. In such circumstances and in absence of the contrary information, the Court is in no hesitation to accept the submission of the writ petitioner that the two positions under STA, West Bengal in the Inter-State route as above, still remain vacant.
13. Thus, the declaration as against the Serial No. 33 regarding the vacancy positions of the said route as appended to the notice dated October 1, 2024 appears to be erroneous.
14. In that view of the matter, the decision of the STA, West Bengal dated December 12, 2024 rejecting the

petitioner's two applications dated December 26, 2024 is erroneous.

15. The said resolution therefor, cannot stand particularly in view of the fact that the respondent is unable to furnish the actual information regarding the permits claimed to have been granted over there.

16. In such view of the matter, the Court is inclined to set aside the resolution of the respondent dated December 12, 2024, being agenda no. 40.

17. This writ petition is being allowed with the following directions:-

(i). The impugnd resolution dated December 12, 2024 is set aside;

(ii). The respondent Board shall immediately take up the two applications as above of the petitioner along with the other application, if any, for grant of permit on the route as mentioned above and decide thereupon, in terms of their merits in accordance with law;

(iii). The petitioner should be given opportunity of hearing at the time of consideration of his applications as above.

18. Needless is to mention that the respondent would not be at liberty to reject the petitioner's applications for issuance of permit for the reason of no vacancy available as the respondents have not been able to come up to show the Court that actually there is no vacancy in the route, with relevant details.

19. The entire exercise as above should be concluded within a period of six weeks from the date of

communication of copy of this order and decision of the Board should be communicated within one week from date.

- 20.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 21.** With the above observations and directions, the writ petition being No WPA 3836 of 2025 is disposed of, along with the pending applications, if any.
- 22.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)