

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Rai Chattopadhyay

WPA 3835 of 2025

Md. Arif Hussain

Vs.

The State of West Bengal & Ors.

For the Petitioner

: Mr. Sattwik Bhattacharyya,

: Mr. Aashutosh Bhattacharyya,

: Mr. Titas Niyogi,

: Mr. Aritra Roy

For the respondent no. 4

: Mr. Probal Mukherjee, ld. Sr. Counsel,

: Mr. Suhrid Sur

For the State

: Mr. Jayanta Samanta,

: Ms. Indumouli Banerjee.

Heard on

: 18/03/2025

Judgment on

: 18/03/2025

Rai Chattopadhyay, J. :-

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner is aggrieved that the respondent State Transport Authority, West Bengal in its resolution dated December 12, 2024 has followed a method, illegal

and inapplicable that is, “first in first out” (in short “FIFO”) method and granted permit to the respondent no. 4.

3. Mr. Sattwik Bhattacharyya, learned counsel appears for the petitioner. With reference to the earlier orders of the Court he submits that the method which has not yet been notified as an authorised one for grant of permit by the concerned authority, has been followed in granting permit to the respondent no. 4 and therefore, such issuance of permit to the respondent no. 4 is *de hors* the law and illegal.
4. Mr. Probal Mukherjee, learned senior counsel is appearing for the respondent no. 4. Mr. Mukherjee, has raised serious objections as to the contentions of the petitioner that any unauthorized and illegal method has been followed in granting permit to his client.
5. Rather, he says that the permit has been granted to the respondent no. 4, on the basis of his suitability assessed in accordance with the well-established practices.
6. In this regard, there has been a written representation filed by the present petitioner before the State Transport Authority, West Bengal that is, dated December 12, 2024.
7. The question which is involved in the present writ petition is whether grant of permit vide its resolution dated December 12, 2024 has been done, on the basis of the “first in first out” method or by applying the suitability test as per the prescribed norms and in accordance with law.

8. The dispute as raised by the petitioner in the representation dated December 12, 2024 touches the said questions only.
9. Hence, let the said representation of the petitioner be heard and disposed of by the STA, West Bengal/respondent no. 2, after affording adequate and reasonable opportunity to the petitioner as well as respondent no. 4/representative thereof and by dint of a reasoned order.
10. Let the exercise as above be concluded by the respondent no. 2 within a period of four weeks from the date of communication of copy of this order.
11. Let its decision be communicated to the petitioner as well as respondent no. 4 within one week thereafter.
12. The issuance of permit to the respondent no. 4 shall abide by the final decision of the respondent no. 2, in terms of this Court's order as above.
13. Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
14. With the above observations and directions, the writ petition being WPA 3835 of 2025 is disposed of, along with the pending applications, if any.
15. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)