

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

Present:

**The Hon'ble Justice Rai Chattopadhyay**

***WPA 8524 of 2024***

**Suparna Das  
Vs.  
The State of West Bengal & Ors.**

**For the Petitioner** : Mr. Sattwik Bhattacharyya  
: Mr. Aashutosh Bhattacharyya  
: Mr. Titas Niyogi  
: Mr. Aritra Roy

**For the State** : Mr. Pantu Deb Roy, Ld. AGP  
: Mr. Subrata Guha Biswas

**For the respondent No. 4** : Mr. Bhaskar Nandi

**Judgment on** : **28.10.2025**

**Rai Chattopadhyay, J. :-**

(1) The writ petitioner's grievance in this writ petition is that her application dated February 11, 2013, for grant of stage carriage permit has not been considered by the respondent 'on priority basis', in violation of the Court's order dated June 30, 2014 and in stead 42 new offer letters were decided to be issued in the

meeting of the Board dated December 19, 2023, pursuant to the notification of vacancy dated August 4, 2023 on route No. 215 and 215/1 and also that the application of the petitioner as above was rejected vide the said resolution of the Board dated August 4, 2023. Hence, by filing the instant writ petition she has sought for the appropriate relief.

- (2)** Fact remains that the writ petitioner had applied for grant of stage carriage permit on route Nos. 215 and 215/1 by filing her statutory application with fees on February 11, 2013. The same was rejected for the reason of availability of no vacancy. Against such rejection the petitioner had filed her first writ petition No. WP 9874 (w) of 2014, in which the Court has directed vide the order dated June 30, 2014, that the respondent authority should consider the petitioner's application afresh on a 'priority basis', as and when new vacancy arises. Such vacancy arose in 2018 due to nonoperation of the vehicle No WB 19E 3807, permit of which has become invalidated due to efflux of time and no prayer for extension of the validity of permit being filed by the erstwhile permit holder. On four occasions, that is on December 13, 2019, January 22, 2020, March 16, 2020 and July 14, 2020, the Board did not take up the application of the petitioner as above. COVID pandemic intervened thereafter.

However, after the normalcy was restored, a purported vacancy notification was published on August 4, 2023, for the said route, pursuant to the Board's resolution dated July 28, 2023, seeking applications from the intending operators for grant of new permits. The petitioner has thereafter filed her second writ petition No. WPA 23015 of 2023, in which the respondent authority was directed to consider the application of the petitioner, in terms of the Court's earlier order dated June 30, 2014.

**(3)** Hence, followed the meeting and resolution of the Board dated December 19, 2023, which is impugned in the instant writ petition. Thereby the application of the writ petitioner dated February 11, 2013 was rejected [vide resolution of Agenda No. 4] and also 42 new offer letters were granted pursuant to the notification dated August 4, 2023 [vide resolution of Agenda No. 18].

**(4)** Mr. Bhattacharya learned advocate for the petitioner has submitted that the respondent/Board in its resolution dated December 19, 2023, has virtually overridden the Court's earlier direction that the petitioner's application for grant of stage carriage permit should be considered on priority basis, which it

could not have lawfully done. Hence rejection of the petitioner's application as above on the basis of the so called comparative study of the marks obtained by all the aspiring operators, is in violation of the order of the Court as above. Also that by virtue of the Court's order the right of the writ petitioner accrued to be considered by the authority on priority basis, which has been jeopardized and violated.

- (5) Mr. Bhattacharya has raised question as to the legal validity of the meeting of the Board itself on the ground that the resolution dated December 19, 2023, being signed by the Chairman only, is evidently suggesting about absence of quorum in the meeting. Also that non-members appear to have attended the meeting which vitiates its scantity and authenticity, he submits. In support of his contention as above, he has referred to the following two judgment/order s: (i) **Commissioner of Burdwan Division vs Mrinal Kanti Chatterjee** in **1958 63 CWN 1**; and (ii) order dated **March 3, 2016** in **WP No. 3569 (w) of 2016** **Illyas Ali vs State of West Bengal**.

- (6) Further on behalf of the writ petitioner it has been alleged that discriminatory treatment has been meted out to her in so far

as, vide the resolution of the Board dated October 9, 2023, 'preferable' advantage has been extended by the Board.

**(7)** Mr. Bhattacharya learned advocate for the writ petitioner has sought for appropriate relief in this case.

**(8)** The respondents say that in terms of the order of the Court, the petitioner's application dated February 11, 2013 has been duly considered by the Board, in its meeting dated December 19, 2023 and finding the same ineligible to be allowed in accordance with the law, the same has been rejected. Allegation of violation of the Court's order or any legal right of the writ petitioner is denied by the same. It is submitted that requisite documents have been considered like, receipts of fees deposited, income tax return for the last three assessment years, bank statements, fixed deposit certificates and others in support of financial capability of the contender, existing permit in her favour, if any etc. Thereafter the decision has been taken on the basis of the cumulative scores obtained by the respective applicants and as per the Broad Sheet the present petitioner has secured only the third place. Hence, permit has been granted to the applicant in the first place, in accordance with the law.

- (9) According to the respondents, this case is devoid of any merit and hence may be dismissed.
- (10) The writ petitioner seeks that a vacancy in the route having arisen, her application for grant of stage carriage permit should be considered before consideration of any other application and even before disbursement of new permit on the route, by virtue of the Court's order in which the Court has stated that the petitioner's application is to be considered afresh, on priority basis.
- (11) The legal framework emphasizes public interest and equitable distribution of permits. In this regard section 71 (3) (b), (c) and (d) of the Motor Vehicles Act, 1988, are worth mentioning, which are as follows:

***“71. Procedure of Regional Transport Authority in considering application for stage carriage permit.—***

***(1) \*\* \*\* \****

***(2) \*\* \*\* \****

***(3) (a) \*\* \*\* \****

***(b) Where the number of stage carriages are fixed under clause (a), the Government of the State shall reserve in the State certain percentage of stage carriage permits for the scheduled castes and the scheduled tribes in the same ratio as in the case of appointments made by direct recruitment to public services in the State.***

***(c) Where the number of stage carriages are fixed under clause (a), the Regional Transport Authority shall reserve such number of***

*permits for the scheduled castes and the scheduled tribes as may be fixed by the State Government under sub-clause (b).*

***(d) After reserving such number of permits as is referred to in clause (c), the Regional Transport Authority shall in considering an application have regard to the following matters, namely:—***

- (i) financial stability of the applicant;***  
***(ii) satisfactory performance as a stage carriage operator including payment of tax if the applicant is or has been an operator of stage carriage service; and***  
***(iii) such other matters as may be prescribed by the State Government;***

*Provided that, other conditions being equal, preference shall be given to applications for permits from—*

- (i) State transport undertakings;*
- (ii) co-operative societies registered or deemed to have been registered under any enactment for the time being in force;*
- (iii) ex-servicemen;*
- (iv) any other class or category of persons, as the State government may, for reasons to be recorded in writing consider necessary;*

**\*\*”**

**(12)** Hence, there are statutorily mandated categories of persons to be given priority in case of grant of stage carriage permits. Hence, the Court's order must not be read beyond the bounds of the statute, as the petitioner has made endeavour to do in the instant writ petition. Any other case, to be prioritised has to qualify the first round of hurdles of being equal in all other conditions, as provided in the statute. This priority is not absolute but is applicable "when all other conditions are equal".

**(13)** In this case according to the parameters like the financial stability of the incumbents, their respective experience and others the petitioner has not emerged as an equal to the other incumbent. Rather the other incumbent/respondent outreaches the writ petitioner. Therefore, the writ petitioner not being equal, in the context of the parameters as prescribed in the statute, her case could not have been prioritised as claimed. In that view of the matter, the Court finds no infirmity or illegality as alleged, in the decision of the Board vide resolution dated December 19, 2023. Hence, the instant writ petition should fail.

**(14)** On the basis of the entire discussion as above, the present writ petition being WPA 8524 of 2024, is dismissed.

**(15)** Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Rai Chattopadhyay, J.)**