

N.22S1

151/CL

18.07.25

SI-01

Ct.551

(S.R.)

WPA 14037 of 2025

Abhishek Kumar Singh

v.

The State of West Bengal & Ors.

Mr. Sattwik Bhattacharyya

Mr. Aritra Roy

Mr. Titas Niyogi

Ms. Reshma Sharma ... for the petitioner.

Mr. Anand Farmania

Mr. Biswajit Das ... for the State.

1) This matter has been listed upon mentioning for correction of the order dated June 30, 2025. It is pointed out that the year of the writ petition has been incorrectly typed as “2024” instead of “2025”.

2) Let WPA 14037 of “2024” typed in the order dated June 30, 2025 be corrected and be read as WPA 14037 of 2025.

3) Let such correction be incorporated in the order dated June 30, 2025 immediately. The other portion of the said order shall remain unaltered.

4) Since both the parties are present, and it is submitted by the parties that the matter can be heard, the matter is taken up for immediate hearing.

5) The petitioner is aggrieved by the rejection of his application for issuance of inter-state permit by the Board of the State Transport Authority, West Bengal by a resolution adopted by the Board on May 20, 2025.

6) Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner has made application in terms of a notification/advertisement dated June 09, 2004 inviting applications for grant of permit. It is further submitted that the procedure for selecting the applicants and grant of permits has already been mentioned therein and that the petitioner's application, that had been made in terms of the said procedure, could not have been rejected by the respondents.

7) Mr. Farmania, learned advocate appearing for the State respondents hands up a copy of the instructions dated July 9, 2025 forwarded to him by the Secretary, State Transport Authority, West Bengal wherein the following has been mentioned:-

"1) The term ready vehicle does not exist as per section 66 as a vehicle is a transport vehicle when it covers by a permit. To make one vehicle registered as transport vehicle one has to get an offer letter from RTA/STA and on the strength of that offer letter, a vehicle gets transport registration and permit issued accordingly. Hence, being a transport vehicle this vehicle must be covered by a permit as per MV Act, 1988. The term ready vehicle is not applicable because the vehicle being transport vehicle must be covered by a permit.

2) The notification no 414-STA dated 9.6.2004 clearly shows that it is a mere publication by the State Transport Authority, West Bengal, and not a gazette notification hence does not hold water."

The same is taken on record. It is submitted that

the petitioner's application has been rightly rejected.

8) The relevant portion of the resolution adopted by the Board of the State Transport Authority, West Bengal on May 20, 2025, reads as follows.

“Decision of STA Board

As the resolution of the Board, dated September 20, 2024 has been set aside by the order dated 03.03.2025 passed by Hon'ble Justice, Rai Chattopadhyay of the High Court at Calcutta, the Board has taken the four applications as mentioned above and found that the offer letter issued in favour of Shyamal Mukherjee is no longer valid as on date, as because six months have already been elapsed after issuance of offer letter.

Hence, all applicants are directed to apply afresh online declaration of vacancy in the said route.”

9) It appears from the writ petition that the petitioner had earlier approached this Court challenging a resolution adopted on September 20, 2024 by the said Board of the State Transport Authority, West Bengal whereby the petitioner's application for grant of permit had been rejected by the said authority on the ground that the petitioner was not the first of the several applicants, who had applied for permits. To be precise, the Board had adopted a practice that the applications, would be considered in seriatim i.e. in order of their making which meant that applications, which had been made first, would be considered and granted the permit first and the applications made thereafter would be considered subsequently. The obvious result of such a

practice would be that in case there was only one vacancy the application which was second in point of time would not be considered at all, notwithstanding the same being meritorious. If the earlier order passed by the Board of the State Transport Authority (i.e. the earlier resolution adopted by the Board of the State Transport Authority on September 20, 2024) was set aside, all the applications that had been filed before the Board should have been considered afresh.

10) Challenging the said resolution, the petitioner had earlier approached this Court by filing a writ petition being WPA 28780 of 2024. The said writ petition was disposed of by an order dated March 3, 2025 by setting aside the impugned resolution dated September 20, 2024 with the following observations: -

“Let the STA Board start the process of issuance of permit afresh, as regards the incumbents as mentioned in the impugned resolution dated September 20, 2024 and proceed in accordance with law in considering the respective merits of their applications on the basis of the relevant materials submitted by the respective incumbents and also the other ancillary factors and take a rational and reasonable decision, only in accordance with the law;”

11) Upon such order being passed, the Board of the State Transport Authority took up the case of the four applicants, whose case had fallen for consideration of the Board before the earlier round of litigation before this Court also and disposed of the same by adopting the

resolution dated May 20, 2025, which has been impugned in the present writ petition.

12) A perusal of the order dated March 3, 2025 passed by this Court in WPA 28780 of 2024 makes it clear that the matter was remanded to the Board of State Transport Authority for fresh consideration on merits. If a matter is remanded for fresh consideration on merits, it was incumbent on the Board to consider the applications of the four several applicants that were there before it on the basis of the respective merits of the said applications and the same could not have been rejected on the ground of the same having become time barred.

13) In such view of the matter, the resolution adopted by the Board of the State Transport Authority on May, 20, 2025 is hereby set aside.

14) The Board of the State Transport Authority is directed to consider the applications pending before it strictly in accordance with the order dated May 3, 2025 passed by this Court in WPA 28780 of 2024 and take appropriate decision thereon within a period of four weeks from the date of communication of this order upon granting a reasonable opportunity of hearing to the parties.

15) Since no affidavit has been invited, the allegations made in the writ petition are deemed not to have been admitted.

16) With the above observations, WPA 14037 of

2025 stands disposed of.

17) There shall, however, be no order as to costs.

18) Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)