

S/L 18
02.12.2025
Court No.10
Swd

WPA 17346 of 2025

Mohan Jha
Vs.
The State of West Bengal & Ors.

Mr. Barun Kumar Samanta.

... for the Petitioner.

Mr. Amal Kumar Sen, Ld. AAG.

Mr. K. J. Yusuf, Ld. AGP,

Mr. Sourav Chowdhuri.

... for the State.

1. Heard the learned Counsels for both the parties.

2. In the instant writ petition, the petitioner has prayed for following resolutions:-

“a) Rule NISI upon the Respondents calling upon them to show cause why a writ in the nature of Mandamus shall not issue directing them to forbear from giving effect to and/or continuing to give effect to and/or giving further effect to and/or withdraw and/or cancel and/or rescind the impugned decision, taken or passed by not- publishing vacancy list and to invite applications from the intending operators for filling up such vacancies on this notified route for a long period;

b) Rule NISI upon the Respondents calling upon them to show cause why a writ in the nature of Mandamus shall not issue directing them to perform their statutory duty to publish vacancy

list and to invite applications from the intending operators for filling up such vacancies on this notified route for a long period;

c) Rule NISI upon the Respondents calling upon them to show cause as to why a writ in the nature of Certiorari shall not issue directing them to certify and transmit to this Hon'ble Court records pertaining to the impugned refusal to publish such vacancy list and to invite applications from the intending operators for filling up such vacancies on this notified route for a long period Justice may be quashing the same;

d) Issue of appropriate writ or writs and/or order or orders and/or direction or directions if no cause or sufficient cause is shown to this Rule;

e) Ad-interim order in term of prayer (a) and (b) above;

f) Cost of and pertaining to, this application;"

3. Main grievance of the petitioner is with regard to the resolution of the Regional Transport Authority held on 27th May, 2025 in respect of rejecting the petitioner's application for grant of permit for the route No.212, 212A (Bus) by declaring "No vacancy" for the route in question. The petitioner made a representation dated 25.06.2025 before the

concerned authority for declaration of vacancy.

4. The learned Counsel for the petitioner states that the buses were not allowed to ply on the said route whose registration got expired beyond 15 years.

5. The learned Counsel for the State submits that during the pendency of this writ petition subsequently notification dated 17th November, 2025 has come into force issued by the Transport Department, Government of West Bengal, which is reproduced below:

“Now, after careful consideration and in partial modification of this Department’s order NO. 2827-WT dated 13th August, 2012, the Governor is pleased to Order that:

1. Certificate of Fitness (CF) or the Pollution Under Control Certificate (PUCC) of all such commercial stage carriage buses, as have already completed or would be completing 15 years of age, shall be issued and permit be renewed to allow them to ply beyond 15 years of age from the day of their initial registration, provided:

(a) For the vehicles registered in West Bengal, (except KMA), the fitness and pollution levels should be checked annually, after the vehicle attains the age of 15 (fifteen) years from the date of their initial registration, on realization of fees in terms of Rule 81 of CMVR, 1989;

(b) For the vehicles registered in KMA area, the fitness and pollution levels should be checked bi-

annually after the vehicle attains the age of 15 (fifteen) years from the date of initial registration, on realization of fees in terms of Rule 81 of CMVR, 1989;"

6. The learned Counsel for the State also submits since the notification come into force the application of the petitioner cannot exceeded too.
7. Having heard the parties, I am of the considered view that the authority concerned should consider the application of the petitioner in the light of the notification dated 17th November, 2025 as expeditiously as possible for the grant of the permit in the said route subject to the availability of the vacancy created in the said route in future.
8. With the above observation and directions, this writ petition is disposed of without any order as to costs.
9. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)