

WPA 28780 of 2024

3.3.2025

Ct.25,sl.161.

sk

Abhishek Kumar Singh.-vs-State of West Bengal & Ors.

Mr. Sattwik Bhattacharyya
Mr. Aashutosh Bhattacharyya
Mr. Titas Neyogi
...for the petitioner.

Mr. Somnath Ganguli,Ld. AGP
Ms. Kalpita Paul
...for the State

Mr. Sankar Nath Mukherjee
Sk. Samim Akhter
...for the private respondents.

1. The decision of the State Transport Authority/Board dated September 20, 2024 is under challenge in the present case.
2. Mr. Bhattacharyya, learned advocate appearing for the petitioner has challenged the said resolution of the Board thereby granting offer letter to the private respondent. He says that such grant of offer letter is illegal and cannot sustain insofar as the same is based on the method and notion "First In and First Out", for which however, there is no notification published as yet, recognizing that to be an approved policy for grant of permit. Otherwise also, Mr. Bhattacharyya says the impugned resolution is bad in law since has not been in compliance with the statutory provisions, regarding grant of permit.

3. The State is represented and report of the Secretary, State Transport Authority, Government of West Bengal dated January 7, 2025 is submitted.

4. So far as the method adopted for granting offer letter to the private respondent in the present case, the submissions of the petitioner is conceded to by the State respondent.

5. Mr. Mukherjee, learned advocate appears for the private respondents.

6. That policy of “First in and First Out” is not still an approved policy and cannot be relied upon in the occasion of consideration of the prayer of the applicants for grant of permit. The Court has already decided that and judgment of the Hon’ble Co-ordinate Bench dated July 20, 2023 in the case of Nitesh Kharga-vs-State of West Bengal & Ors. is relied on in this regard by the parties.

7. Having heard all and having perused the materials on record, it is found that admittedly the State Transport Authority/Board in its meeting dated September 20, 2022, while granting offer letter in consideration of the applications of the incumbents, including the present petitione, has followed the policy of “First In and First Out” and ultimately the offer letter was granted to the private respondent.

8. It is learnt that the private respondent, in compliance thereof has purchased a vehicle, though has not been yet granted the permit to operate the same.

9. It is further noted that so far as the petitioner is concerned, all the necessary documents have been duly submitted by him before the Board for its consideration for grant of permit to the petitioner.

10. Be that as it may since the Court finds that the “First in and First Out” method for grant of Stage Carriage Permit, cannot be made operative and invoked in absence of any duly published Government Notification to that effect, which admittedly has not yet been published in West Bengal, in accordance with law, the respondent Board would not be authorized to follow the said policy while granting offer letter to the private respondent. This Court finds the decision of the respondent Board dated September 20, 2024, to be not in compliance with the provisions of law and hence cannot be sustained.

11. On the said premise, it is found proper to dispose of the present writ petition with the following directions:-

- i) The impugned resolution dated September 20, 2024 of the STA Board is hereby set aside;
- ii) 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;

- iii) Let a decision as above be taken by the said Board, within a period of six weeks from the date of communication of copy of this order and after granting reasonable opportunity of hearing to the parties.

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

13. Urgent certified website copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Rai Chattopadhyay, J.)

