

ORDER SHEET

WPO/64/2025

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

Debarghya Dharmohapatra
VS
The State Of West Bengal & Ors.

BEFORE:

The Hon'ble JUSTICE RAI CHATTOPADHYAY

Date : 20th May, 2025

Appearance:
Mr. Sankar Nath Mukherjee, Adv.
Sk. Shamim Akther, Adv.
...for the petitioner

Mr. Amal Kr. Sen, A.G.P.
Ms. Sahina Sumi, Adv.
...for the State

Mr. Bhaskar Nandi, Adv.
...for the respondent no. 5

1. In this writ petition, the petitioner has challenged the resolution of the State Transport Authority Board, West Bengal dated 12th December, 2024 in Agenda No.23 and 64 thereof and has prayed for the relief that application of the petitioner for issuance of permanent permit dated 25th September, 2024, may be immediately allowed by the said Board.
2. The writ petitioner is the intending operator on the interstate route from Nursighnath to Kolkata CBT via Sambalpur, Deogarh, Keonjhar and Jamsola. The said route is covered

under the Reciprocal Transport Agreement dated 9th August, 1995, entered into by the State Transport Authorities, at Odisha and West Bengal, which has been subsequently revised vide the notification dated 27th February, 2007. The writ petitioner has applied for issuance of permanent stage carriage permit on the said inter-state route vide his application dated 25th September, 2024 and as against the vacancy which he claims to have arisen against the unitary position under the quota of West Bengal, in the fleet strength on the said route.

3. In the resolution under challenge, the respondent STA West Bengal has held inter alia that as against the vacancy declared on 1st October, 2024, two applications were pending for the vacancy of one position. The Board has taken a decision to reject the application of the petitioner, as there was no vacancy on the date of decision by the Board vide Agenda No. 23, whereas in the same resolution, vide Agenda No. 64 approval of issuance of permit has been granted in favour of the respondent No.5/private respondent.
4. While representing the writ petitioner, Mr. Mukherjee learned Advocate has submitted the factual background of the case. He says that the respondent No.5 though was decided to be issued permit on the said route, has failed earlier to produce

the vehicle within the due time. For the reason above, no permit was ever issued to the respondent No.5. Hence, according to the petitioner, the vacancy over the route has never been filled up. Mr. Mukherjee for the petitioner has stated that even an application of the private respondent dated 13th August, 2024, has been rejected by the Board, on the ground of no vacancy, in its meeting dated 21st August, 2024. According to Mr. Mukherjee, in that event the Board was duty bound to treat the two applications of the petitioner and the private respondent on equal footing, on their respective merits. However, the petitioner is aggrieved that the application of the petitioner has been treated on unequal footing as to that of the private respondent, in so far as in case of the petitioner, the Board has held no vacancy to be available. Whereas in case of the private respondent, the Board has allowed his prayer for issuance of permit in the selfsame resolution and against a vacancy being existed there in. Therefore gross arbitrariness and illegality as to the decision of the Board vide resolution dated 12th December, 2024 has been pleaded by the writ petitioner with respect to Agenda Nos. 23 and 64 therein.

5. The respondent State has contested by filing a report of the Secretary, STA West Bengal, dated 17th March 2025 and is represented by Mr.Sen, learned AGP. It has been submitted that the earlier decision of the Board, in favour of grant of

permit to the private respondent stands, though the said person was not granted permit since he has not been able to produce the vehicle within the due time. However, the decision of the Board for grant of permit in his favour stands and duly reflects in the portal maintained by the respondent. An order of this Court in WPA No. 24323 of 2025 has also been mentioned, in which the Court has directed the Board to consider the prayer of the private respondent in accordance with law. On the basis of all as stated above, according to the respondent, there is no infirmity in the resolution passed by the Board dated 12th December, 2024 in both the Agenda No's.23 and 64. Mr.Sen has stated that no interference of the Court to the resolution of the Board as mentioned above, is warranted.

6. Mr. Nandi has represented the private respondent. He denies receipt of copy of any resolution dated 21st August, 2024, of the Board. He has relied on the Court's order in WPA 24323 of 2024. He has supported the impugned resolution, so far as Agenda Nos. 64 in particular and also the decision of the Board in Agenda No. 23.
7. Admittedly the Board has decided earlier to issue permit to the private respondent subject to his fulfilling with the conditions precedent for such grant. Admittedly also that the said respondent though could not fulfill the conditions as

prescribed in the offer letter regarding placement of vehicle at the material point of time, but is now ready and willing to place a suitable vehicle for being granted with the permit in terms of the decision taken earlier by the Board.

8. A resolution of the STA Board dated 21st August, 2024 has been mentioned about, by dint of which the Board has been said to have declined the prayer of the private respondent for issuance of permit, vide his application dated 13th August, 2024. The private respondent in this case has declined to accept receipt of copy thereof at any point of time. It also appears that the said fact has never surfaced at the time of hearing of writ petition no. WPA 24323 of 2024. The said fact has not been endorsed by the State, in the instant writ petition too. On the other hand in WPA 24323 of 2024, the petitioner (i.e., present private respondent) has prayed for consideration of his application dated 13th August, 2024 and in presence of the State, the Court has passed directions in the said case.
9. It is worth mentioning that the period of validity of the offer letter is not static but relaxable, as per the provision under Rule 141 of the West Bengal Motor Vehicles Rules, 1989, in a suitable case. It is also not disputed in the instant case that for the said interstate route the STA West Bengal has not published any vacancy notification, declaring one vacancy of

its quota. In such circumstances, though under the liberalised policy of the statute the petitioner would not be restrained to file an application for issuance of permit, but consideration thereof should be subject to availability of a declared vacancy over the route. Since, there is no declared vacancy in the instant case for the said route, the contentions of the petitioner that he is entitled to be treated on similar footing with that of the private respondent, does not inspire much confidence in the mind of this Court. Similarly, his contention that his application should have been taken up by the respondent along with the application of the private respondent, if any, and considered on the basis of the respective merits of the said applications, is not worthy of consideration by the Court, for the reasons as stated above.

10. For the reasons as discussed above, the court finds no merit in the writ petition. Hence, the same is liable to be dismissed.

11. The writ petition WPO No. 64 of 2025, is dismissed.

(RAI CHATTOPADHYAY, J.)