

ORDER SHEET

WPO/79/2025
IA No. GA/2/2025

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PANKAJ GUPTA
VS
STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE RAI CHATTOPADHYAY
Date : 6th May, 2025.

Appearance:

*Mr. Sankarnath Mukherjee, Adv.
Mr. Niraj Gupta, Adv.
Ms. Manisha Paswan, Adv.
...for the petitioner*

*Mr. Amal Kr Sen, AGP
Ms. Sahina Sumi, Adv.
..for the State*

*Ms. Aishwarya Rajyashree, Adv.
Mr. Chandra Gupta Kamal, Adv.
...for the private respondents*

The Court: The petitioner is the intending operator for the Inter-State route from Siliguri to Banka via Dalkhola, Purnea, who has in response to the notice dated August 27, 2024, filed his application online for issuance of permit, upon payment of statutory fees, on December 3, 2024.

Allegedly, keeping the application of the petitioner pending and not considered, the Board has taken up the other applications in response to the said notice dated August 27, 2024 and decided for grant of offer letter, in its resolution of meeting dated December 12, 2024.

Therefore, being aggrieved, the petitioner has filed the instant writ petition.

Later on, the petitioner's application as above has been considered by the Board in its meeting dated September 20, 2024 and it has been decided that since from an earlier date, vacancies pursuant to the notice dated August 27, 2024 have already been filled up, his application cannot be considered due to availability of no vacancy.

The petitioner is aggrieved with both the resolutions of the Board as mentioned above.

Mr. Mukherjee while representing the writ petitioner has submitted that in the vacancy notice dated August 27, 2024, there was no cut off date prescribed, within which the petitioner might have to submit his application, for being considered in the immediate next meeting of the Board, i.e., on December 12, 2024.

Hence, therefore, his application being pending before the Board on the said date of meeting, it should have been taken along with the other applications and considered in accordance with law.

The State in this case is represented by Mr. Sen and a report of the Joint Secretary, State Transport Authority dated January 29, 2025 is submitted in Court.

On perusal of the same and upon consideration of the submission made by Mr. Sen, it is found that the State has taken a stand to consider the applications submitted till a particular date, in the said meeting dated December 12, 2024 and not the applications submitted thereafter. Hence, the petitioner's application for grant of permit having been submitted beyond that date, the same could not have been taken up in the meeting dated December 12, 2024, the reporting officer has stated.

The Court finds that the notice dated August 27, 2024 is bereft of any cut off date for submission of application by the intending operators. The Court further notices that the respondent has not denied or disputed the fact that as on the date of meeting, i.e., December 12, 2024, the application of the petitioner was pending for consideration before it.

Having not stipulated any date, as to what may be the last date for submission of applications in the notice inviting applications dated August 27, 2024, the Board should have considered all the applications submitted and pending before it as on the date of meeting or otherwise the same shall have probability to indulge backdoor entry.

In such view of the matter, as discussed above, the Court is of the considered opinion that the decision of the Board, vide meeting dated December 12, 2024, as well as that March 25, 2025 should not be maintainable. The Board should consider along with others, the application of the petitioner as was pending before it before the meeting dated December 12, 2024 afresh and come to a reasoned decision in accordance with law within a period of eight weeks from the date of communication of this order.

For the reasons as above, the present writ petition is allowed with the following directions:-

- i. Resolution of the STA Board dated December 12, 2024 and March 25, 2025 are set aside.
- ii. Let the said Board/ respondent no. 3 take up all the applications for grant of permit as was pending before it on December 12, 2024 and decide thereupon in accordance with law.

- iii. In doing so, if necessary, the Board may afford an opportunity of hearing to the writ petitioner and come to a reasoned decision.
- iv. Its decision should be communicated to the petitioner within one week from its date.

Let it be mentioned that after setting aside of the resolutions dated December 12, 2024 and March 25, 2025, the respondent should not take any steps pursuant to the same and if taken, should not pursue with the same any further.

WPO/79/2025 is, accordingly, disposed of.

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

(RAI CHATTOPADHYAY, J.)

sg.