

OD-13

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/150/2025

PRANATI SAU
VS

THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE RAI CHATTOPADHYAY

Date: 4th March, 2025.

Appearance:

Mr. Sankar Nath Mukherjee, Adv.

Mr. Sk. Samim Akhter, Adv.

...for the Petitioner

Mr. Amal Kr. Sen, A.G.P.

Ms. Salina Sumi, Adv.

...for the State.

The Court : The writ petitioner is aggrieved that only unreasonably the respondent Board, STA, West Bengal has turned down her prayer for issuance of permit, pursuant to her application dated October 3, 2024, on the ground of no vacancy being available.

Mr. Mukherjee appearing for the petitioner submits that the finding of the Board in agenda no. 25 of meeting dated December 12, 2024 is based on erroneous materials and unsubstantiated facts whereas, he submits, the actual fact is that the petitioner was earlier granted an offer letter dated May 24, 2023. Due to her inability to produce the vehicle within the stipulated time, the offer letter had expired, though the petitioner has subsequently, within a period of one year from the date of offer letter, has procured a vehicle. The vehicle has been registered in her name on April 18, 2024. Thus, according to Mr. Mukherjee, though there has been remaining an actual vacancy, for one position on the Inter-State route

Kolkata at KCBT Santragachi to Sainkul, the same has been stated to not be vacant for the reason of grant of offer letter to the petitioner, earlier. That, the subsequent development that the petitioner has not been able to fulfil the conditions of offer letter and produce the vehicle in due time – has rendered the place, still vacant, which has not been considered by the Board in its resolution dated December 12, 2024. In that event, the petitioner has expressed her grievance by dint of a letter addressed to the Secretary of the STA, West Bengal, received in its office on January 29, 2025. It is submitted that the said letter has not yet been considered by the respondent-authority.

The respondent is represented by Mr. Sen, learned A.G.P when Mr. Sen has stated that the petitioner having not fulfilled the conditions of offer letter, shall not be entitled for issuance of permit any further, unless she applies afresh for a new vacancy declared on the said route. So far as the dispute raised by the petitioner as against the impugned resolution agenda no. 25 dated December 12, 2024, according to the respondent, there would not be any impropriety or illegality as to the same.

Heard submissions and perused the records.

It appears that the petitioner was earlier granted an offer letter dated May 24, 2023 but failed to comply with conditions within the stipulated period of time. Therefore, her candidature for issuance of permit has been negated by operation of law. The petitioner thereafter has filed a fresh application on October 3, 2024 but that has also been rejected by the respondent-authority, for the reason of no vacancy being available. A representation of the petitioner is now pending in the office of the respondent Secretary, STA, West Bengal received on January 29, 2025.

Having heard the learned Lawyers and considering the facts and circumstances of the case, I am inclined to dispose of this writ petition by directing the Secretary, State Transport Authority, West Bengal to consider and decide as to the representation received by him on January 29, 2025, of the petitioner, by delivering a reasoned order on the same, if not, the prayer of the petitioner is immediately granted by him. In doing so, the said respondent shall afford an opportunity of hearing to the petitioner as well as complete the proceeding positively within a period of three weeks from the date of communication of copy of this order. Needless is to mention that the respondent STA, West Bengal is not prevented by any reason, to consider the petitioner's application for issuance of permit, dated October 3, 2024, in the meantime, in a meeting if convened for consideration of other applications for issuance of permit, on the route in question.

With the direction as above, the present writ petition is disposed of.

Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have been denied by the respondent.

Urgent website certified copy, if applied, be supplied to the parties subject to compliance with all necessary formalities.

(RAI CHATTOPADHYAY, J.)