

31.03.2026

Item No. 09

Crt.No.10

b.r.

WPA 3800 of 2026

Suman Kundu

-vs-

The State of West Bengal & Ors.

Mr. Barun Kumar Samanta

..... for the petitioner.

Mr. Pantu Deb Roy, Ld. AGP

Mr. Dipankar Ghosh

..... for the State-Respondents.

1. Heard the learned counsels appearing for the respective parties.

2. A report dated 09.03.2026 filed by the State-respondents in Court today, is kept on record.

3. The petitioner in the instant case, being an intending operator has applied for a new offer letter for the route from Nagerbazar to Topsia. The RTA Board, at its meeting held on 27.05.2025, duly heard the petitioner and considered his application. However, the application has been rejected on the ground that the authority has not yet issued any public notice inviting applications for the said route. Such a procedure has to be followed to provide

ample opportunity to all intending operators to apply, in strict compliance with the directions passed by the Co-ordinate Bench of this Court.

4. The petitioner made an application before the respondent no.2 but the same has been rejected on 27.05.2025 at p-4 at page-26 to the writ petition, which is reproduced below:-

“ On the basis of hearing notice vide memo no. RTA/BUS/OL HEARING/1116-1127 DT. 14.05.2025 Ld. Advocate Mr. Barun Kr. Samanta appeared on behalf of the petitioners from Sl. No. 1-12 appeared before RTA Board on 27/05/2025. Mr. Samanta explained that there are so many vacancies in Route No. 24, 24A, 24B, 24A/1 as well as Route No. 202, 212, 212A, 214A also vacant and all his clients applied mentioning specific Route and offer letter be issued in favour of them. On the basis of hearing notice vide memo no. RTA/BUS/OL HEARING/1290, dt. 21/05/2025 Mr. Sudip Kundu personally appeared and he is also in some opinion and demanded offer letter for Route no. 219. 219/1. The RTA Board heard both of them sincerely and after threadbare discussion decided that all the applications considered and rejected summarily as No Vacancy for abovementioned Routes neither been declared nor been notified publicly through website or any wide circulation as directed by the Division Bench of Hon’ble Justice Raja Shekhar Mantha & Hon’ble Justice Supratim Bhattacharya vide FMA No. 1311 of 2022 (Nand

Kishore Shoaw and Others Vs. The State of West Bengal and another.)”

5. A further application has been made before the authority concerned on 13.08.2025 seeking the declaration of vacancies on the website and/or issuance of a notice inviting new applications for the stage carriage permit on the new route no.202. However, the application remains pending for consideration.

6. Learned advocate for the petitioner relies upon an order dated **03.12.2013** passed by the Hon’ble Justice Dipankar Dutta (his Lordship then was) in **WPA 34576(W)2013 (Bikash Chandra Saha –vs- The State of West Bengal & Ors.)**, which is reproduced below:-

“ In the result, the impugned resolution to the extent of commencing procedure for cancellation of permit stands set aside. The S.T.A.. is directed to calculate the number of vacancies on the said route as on date and it shall notify the same by publishing due advertisement within a month from date of receipt of a copy of this order. Based on the merits of the applications that are received, the S.T.A. shall proceed to select the most suitable candidate.

Let the entire exercise of publication of advertisement and selection of candidates be completed as early as possible but not later than

three months from date of publication of advertisement.

Since the petitioner has already applied for permit with requisite fees, he shall be under no obligation to apply afresh in terms of the advertisement is not published within one months from date of receipt of a copy of this order, the S.T.A. shall proceed to consider his application on merits and decide the same in accordance with law.”

7. Learned counsel appearing for the State submits that the petitioner being an intending operator does not have any locus to raise the issue before the Transport Department since the declaration of vacancies is subject to the actual availability.

8. After careful consideration of the above and upon perusal of the materials on record, I direct the respondent no.2 to consider the representation dated 13.08.2025 in the light of the judgment dated **03.12.2013** passed in the case of **Bikash Chandra Saha (supra)**. The authority shall pass a reasoned order upon affording an opportunity of hearing to the petitioner and the other stake holders, if any, by passing a reasoned order within a period of **ten weeks** in accordance with law and

communicate such decision within a week thereafter.

9. It is made clear that the observations in the instant case shall not create any precedent for other operators and should be treated in personam. The respondent no.2 shall arrive at a reasoned conclusion by passing an appropriate order in accordance with law.

10. With the above observations and directions, the writ petition, **WPA 3800 of 2026** stands ***disposed of*** without going into the merits of the case.

11. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)