

W.P.A. 6796 OF 2026

21.04.2026

Sl no. 37

Ct no. 2

P.M.

Uday Sankar Pal
- Vs -
The State of West Bengal & Ors.

Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta,
Mr. Suhotro Palit,
Mr. Akash Kumar Chakraborty,
Mr. Sabyasachi Hawladar
... for the petitioner
Mr. Pantu Deb Roy, AGP
Mr. Dipankar Ghosh
... for the State

1. Present petition has been filed challenging the order dated 28th January, 2026 passed by Secretary Regional Transport Authority, Purba Bardhaman whereby the prayer of the petitioner for revision of time table was rejected.
2. Learned counsel for the petitioner submits that the petitioner was initially granted permanent Stage Carriage Permit being P.St.P. 06/74-75 on the route Bardhaman to Tarkeswar which was subsequently described as Memari to Tarkeswar and renewed up to 22nd September, 2029.
3. Learned counsel submits that respondent No. 4 was also granted permit on the same route

- plying from Memari to Tarkeswar under P.St.P. No. 17/22-23 and it has been operating Stage Carriage on the said route by virtue of an existing time table and has been departing from Tarakeswar at 4.50 p.m. with the termination of service at Jamalpur at 6.00 p.m.
4. The petitioner prayed for revision of timetable from Tarakeswar point from 12.05 p.m. to 12 noon and for 5.00 p.m. instead of 5.05 p.m.. The representation dated 8th October, 2025 in this regard was not decided on account of which the petitioner invoked the jurisdiction of this court vide W.P.A. 27127 of 2025.
 5. The co-ordinate Bench of this Court vide order dated 18th December, 2025 disposed of the writ petition with a direction that the representation dated 8th October, 2025 be considered by Secretary, Regional Transport authority, Purba Bardhaman within a period of six weeks by passing a reasoned order in accordance with law upon affording an opportunity to the petitioner and other interested parties, if any, and to communicate the decisions to the party within a week thereafter.

6. Learned counsel for the petitioner has challenged the impugned order dated 28th January, 2026 predominantly on the ground that the impugned order is not a reasoned order and secondly it being beyond time frame as laid down in the order dated 18th December, 2025.
7. Learned counsel has emphasized that the impugned order does not contain adequate reason.
8. Learned Government Pleader has opposed the writ petition on the ground that subsequent to the decision of this court the representation has rightly been considered and rejected by the competent authority in terms of direction and no insistence can be made at this stage.
9. The contours of jurisdiction for deciding the writ petition are very well established. Primarily the writ court has to examine the decision making process of the competent authority. The Court has to be very slow in entering to the arena correctness of the decision, unless it is marred by apparent illegality, perversity or malafide.

10. In **West Bengal Central School Service**

Commission & Ors. – Vs. **Abdul Halim & Ors.**

(2019) 18 Supreme Court Cases 39, it was inter alia held as under :

“27. It is well settled that the High court in exercise of jurisdiction under Article 226 of the Constitution of India does not sit in appeal over an administrative decision. The Court might only examine the decision making process to ascertain whether there was such infirmity in the decision making process, which vitiates the decision and calls for intervention under Article 226 of the Constitution of India.

28. In any case, the High Court exercises its extraordinary jurisdiction under Article 226 of the Constitution of India to enforce a fundamental right or some other legal right or the performance of some legal duty. To pass orders in a writ petition, the High Court would necessarily have to address to itself the question of whether there has been breach of any fundamental or legal right of the petitioner, or whether there has been lapse in performance by the respondents of a legal duty.

29. *The High Court in exercise of its power to issue writs, directions or orders to any person or authority to correct quasi judicial or even administrative decisions for enforcement of a fundamental or legal right is obliged to prevent abuse of power and neglect of duty by public authorities.*

30. *In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. The test to determine whether a decision is vitiated by error apparent on the face of the record is whether the error is self-evident on the face of the record or whether the error requires examination or argument to establish it. If an error has to be established by a process of reasoning, on points where there may reasonably be two opinions, it cannot be said to be an error on the face of the record, as held by this Court in Satyanarayan Laxminarayan Hedge – Vs – Millikarjun Bhavanappa Tirumale. If the provision of a statutory rule is reasonably capable of two or more constructions and one construction has been adopted, the decision would not be open to interference by the writ*

Court. It is only an obvious misinterpretation of a relevant statutory provision, or ignorance or disregard thereof, or a decision founded on reasons which are clearly wrong in law, which can be corrected by the writ court by issuance of writ of certiorari.

31. The sweep of power under Article 226 may be wide enough to quash unreasonable orders. If a decision is so arbitrary and capricious that no reasonable person could have ever arrived at it, the same is liable to be struck down by a writ court. If the decision cannot rationally be supported by the materials on record, the same may be regarded as perverse.”

11. It has not been disputed that the competent authority has duly given notice to the petitioner and was given an opportunity of being heard. The co-ordinate Bench of this Court vide order dated 18th December, 2025 had directed the authority to decide the representation within six weeks. The representation has been decided on 28th January, 2026, though there seems to be typographical error in the order where the date is 28th January, 2025. However, this mistake is

rectified in the communication dated 9th March, 2026. The competent authority was directed to convey the decision within one week. There is apparently a delay in the communication of the order. The Court takes strong exception and directs that the order of the court should be complied in true letter and spirit and any leniency in the same shall be viewed seriously. It is pertinent to mention that there is delay of around one month in the communication of order. The court considers that for such delay only the order passed by the competent authority cannot be set aside. Now coming to the question of adequate reason the Court finds that the competent authority has duly noted that there was time gap of ten minutes between the operator.

12. In **West Bengal Central School Service Commission** (supra) it was inter alia held that the power of the court to examine the reasonableness of an order of the authorities does not enable the Court to look into the sufficiency of the grounds in support of a decision to examine the merits of the decision. The court has to remember that the Writ Court

does not sit in appeal over the decision in order to set aside an order, it must manifest injustice. Merely because a decision is not perfect, the same cannot be set aside.

13. In view of the discussion made herein above this Court finds that there are no reasons in the impugned order for setting it aside.

14. This court finds that there is no ground to interfere in this matter. Hence the petition is dismissed.

15. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)