

09.7.2025
Sl. No.**29**
Court no.IV
nb

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

WPA 1358 of 2025

**Smt. Debapriya Ghosh Kundu
Vs.
The State of West Bengal & Ors.**

Mr. Ratan Das,
.... for the petitioner.

Mr. Jagriti Mishra,
Ms. Ananya Bhattacharya,
Ms. Mrinmayee Das,
.... for the respondent no.3.

Mr. Subir Kr. Saha,
Mr. Nabankur Paul,
..... for the State.

Supplementary affidavit filed by the petitioner is
taken on record.

The petitioner is aggrieved by non-consideration
of his representation seeking cancellation of permits
granted in respect of vehicles mentioned in the
petitioner's representation dated February 5, 2025
and June 18, 2025 made to the Secretary Regional
Transport Authority, Coochbehar

Mr. Das learned counsel appearing for the
petitioner submits that the petitioner had a contract
with the respondent no.3 i.e. Xavier's Public School
whereunder the petitioner was entitled to ferry

students and staff of the said school for a period of one year such time being extendable upto six years. Mr. Das has taken this Court through several documents annexed to the supplementary affidavit to demonstrate that the school was happy with the services of the petitioner. It is submitted that for reasons unknown to the petitioner the school authorities cancelled the petitioner's contract and entered into a contract with a third party.

Mr. Das further submits that the petitioner has made a representation before the respondent transport authorities seeking cancellation of permits of certain vehicles, which are plying without permits are being used for facilitating transportation of students and staff of the said school. He submits that the petitioner is aggrieved by the inaction of the respondents in giving due consideration to the representation made by the petitioner and taking a decision thereon.

Mr. Saha learned counsel appearing for the State respondents hands up to court a copy of instructions forwarded to him by the Secretary, Regional Transport Authority, Coochbehar wherefrom it appears that the registration numbers of several vehicles mentioned by the petitioner in the representation made by the petitioner to the respondent Transport authorities do not have any

connection with the respondent school. To wit one of such vehicles is used for carrying students and staff of Coochbehar Govt. Model Madrasah School; another vehicle has a permit for the route Coochbehar to Jorai, there is another vehicle which is registered under the Regional Transport Authority of Alipurduar, then there is one vehicle which is a motor cycle; still then there is another for which no bus permit has been issued. In all there is only one of the several vehicles mentioned by the petitioner that is used for the purpose of the school. A copy of the said instructions has already been made over to the Mr. Das today.

It appears that the representation of the petitioner would stand answered by the aforesaid instructions handed over to Mr. Das in Court today.

Learned advocate appearing for the respondent school submits that the petition itself is misconceived. He invites the attention of this Court an order dated June 17, 2025 passed in WPA 691 of 2025(Smt. Depapriya Ghosh Kundu Vs. State of West Bengal) and submits that the writ petitioner herself had earlier approached this court by filing a petition and upon an observation made by Court that the writ petitioner's remedy did not lie before a Writ Court under article 226 of the Constitution of India, the writ petitioner sought to withdraw the writ petition with

liberty to pursue remedies available to the writ petitioner in law.

It is submitted that since it is apparent that the underlying dispute, which forms the foundation of the instant writ petition, is actually between the petitioner and the school which is purely private in nature involving no public law element, a writ petition should not be entertained.

Having heard learned counsel appearing for the respective parties and having considered the materials on record, it appears that writ petition has lost its force. Indeed the petitioner seeks cancellation of permits of vehicles being irked by the unceremonious cancellation of his contract by the respondent School. The petitioner's remedy against the school cannot be by way of a writ petition under Article 226 of the Constitution of India.

If the respondent Transport Authorities find that any permit is being plied de hors the law, the said authorities would certainly remain obliged to take action against the erring vehicles in accordance with law.

The writ petition being WPA 1358 of 2025 is therefore disposed of leaving the petitioner free to avail such other remedies as the petitioner may have under the law of the land.

Urgent certified photo copy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)