

09.7.2025
Sl. No.**30**
Court no.IV
nb

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

WPA 1359 of 2025

**Smt. Sonamani Ghosh
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. Hirak Barman,
Mr. Bikash Singha
..... 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 to vehicles mentioned in the petitioner's
representation dated February 5, 2025 made to the
Secretary Regional Transport Authority, Coochbehar
and representation dated June 18, 2025.

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 ferrying students and

staff of the said school for a period of one year extendable up to 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 service 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, and are being used for facilitating transportation of students and staff of the respondent said school. He submits that petitioner is aggrieved by the inaction of the respondent in giving due consideration to the representation made by the petitioner and taking a decision thereon.

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

school at all. To wit, one of such vehicles is used for carrying students and staff of Coochbehar Govt. Model Madrasah School, there is another vehicle which has a route permit in respect of the route Coochbehar to Jorai, there is another vehicle registered under the Regional Transport Authority of Alipourduar, there is one vehicle which is a motor cycle, then there is another for which no bus permit has been issued and of all the vehicles mentioned by the petitioner there is only one which is used for transporting students and staff of the respondent school.

A copy of the said instructions has already been made to the Mr. Das today.

It appears that the representation of the petitioner made to the respondent transport authority would stand answered by the instructions handed up 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 to an order dated June 17, 2025 passed in WPA 692 of 2025(Subrata Kundu Vs. State of West Bengal & Ors.) submits that the writ petitioner in the said case is the authorised representative of the present writ petitioner as will appear from the supplementary affidavit filed by the petitioner today. It is submitted that the said person approached this court by filing the said writ petition

and upon an observation being made by the Court that for the writ petitioner's remedy lay elsewhere and not before the 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 for the instant writ petition is actually between the petitioner and the respondent school and which is purely private in nature involving no public law element, this writ petition should not be entertained.

Having heard learned counsel appearing for the respective parties and having considered the material on record, it appears that writ petition has lost its force. Indeed this writ petition seems to have its genesis in the cancellation of the petitioner's contract by the school for which the petitioner now seeks to get the permit of the vehicles used by the school cancelled. Such a course of action cannot be encouraged by the writ court. Needless to mention that if any vehicle is being plied de hors the law or without permit the respondent Transport Authorities would remain obliged to act against such erring vehicles in accordance with law.

The writ petition being WPA 1359 of 2025 is 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.)