



2025:CHC-PB:28-DB

IN THE HIGH COURT AT CALCUTTA
CONSTITUTION WRIT JURISDICTION
[CIRCUIT BENCH AT PORT BLAIR]

PRESENT: THE HON'BLE JUSTICE KAUSIK CHANDA
AND
THE HON'BLE JUSTICE KRISHNA RAO

WPA(P)/1/2025

MANOJ PAUL

... PETITIONER

VS.

CHIEF SECRETARY AND OTHERS

... RESPONDENTS

Petitioner (in Person)

: Mr. Manoj Paul

For the respondent Nos. 1,3 & 4

: Mr. Shatadru Chakraborty, Sr. Adv
Mr. Rakesh Kumar
Mr. Dibesh Dwivedi

For the respondent No. 2

: Mr. Sumit Kr. Karmakar

Heard on

: June 30, 2025

Judgment on

: July 07, 2025

KAUSIK CHANDA, J.

1. This Public Interest Litigation has been filed with the following
prayers :-

"I. Issue a writ of mandamus or any other writ to the respondents directing them to immediately withdraw all STS buses from roads running without valid fitness certificate, cancelled registration certificate & Insurance at A&N Islands.



- II. *Issue a writ of mandamus or any other writ to the respondents directing them to immediately appoint essential supporting staffs including 100 Bus Conductors, 150 Drivers & mechanics for proper functioning of the transport Vehicle herein STS buses.*
- III. *Issue a writ of mandamus or any other writ to the respondents directing them to immediately register an FIR U/s 302 of IPC against Director, & Secretary of Transport for knowingly endangering lives by permitting unfit buses to ply on the roads.*
- IV. *Issue a writ of mandamus or any other writ to the respondents directing them to conduct a thorough SIT/CBI investigation into the recent state transport services bus (STS) accident on dated 15th November, 2024, in which four lives lost in rest camp near Mayabunder, North & Middle Andaman due to running of buses without any fitness certificate & insurance.*
- V. *Issue a writ of mandamus or any other writ to the respondents directing them to release adequate compensation to the families of the victims killed or injured in the accident.*
- VI. *Issue or pass any writ, direction or order, which this Hon'ble court may deem fit and proper under the facts and circumstances of the case.*

2. The aforesaid prayers have been made in the context of a tragic bus accident that occurred on November 15, 2024, in Mayabunder, resulting in the death of four persons—two at the scene and two including a minor boy aged about 14 years who later succumbed to their injuries.

3. The petitioner contends that the accident was the result of gross negligence and the continued operation of unregistered, aging government buses, thereby endangering public safety. It is urged that this Court should direct the immediate withdrawal of all buses that are more than fifteen years old in order to prevent future accidents.



4. The Administration has filed an affidavit. The relevant parts of the affidavit are quoted below:-

“6. ... Director of Transport, Sri Vijaya Puram constituted a committee to carry out a thorough investigation regarding the fatal accident.

7. ... After the inquiry, the committee has submitted its report and it was found that the primary cause of the accident involving STS bus was purely a brake failure of the bus no STS-375. The bus was in perfect condition till it reached Wireless Tikrey which is about 50 km away from the origin station.

8. It is also worthwhile to mention that before reaching the place of occurrence of accident Bus No STS-375 (AN 01D-0129) had to apply brakes on more than hundred occasions as being a stage carriage bus, it had to halt and pick up passengers at more than 50 bus stops in between. The bus driver never experienced any deficiency in the braking efficiency of the bus which shows that the condition of Bus No. STS-375 (AN 01 D-0129) was in a good and road worthy condition. The driver noticed brake failure while descending the slope after Wireless Tikrey, Mayabunder. The report further mentioned that the Bus Driver tired its best to negotiate the curves safely so as to avoid any mishap but unfortunately the bus driver lost control of steering and met with the accident.

11. ... The bus which met with accident was over 15 years old and could no longer be updated in the VAHAN System for fitness and registration, as per government regulations. However, it had to be continued on that day due to the pressing transportation needs of the local community. A numbers of requests have been received from the PRIs, School Children and other commuters for bus trips in the area. STS bus is the main mode of transport for the school students and patients seeking health care in hospitals. Local mobility of commuters in the area is fully dependent on STS buses and if any trip is cancelled, then it creates problem for the commuters. It is also to highlight that whenever there is disruption of services, local people resort to Dharnas and agitations.

13. ... On the basis of the preliminary report many proactive actions have been taken by the Transport Department after occurrence of the accident involving STS 375 on 15.11.2024 which are summarized below:

- (i) Constitution of a Committee consisting technical officials to enquire into the facts leading to the accident on 15.11.2024 itself.*



(ii) Without any delay, the committee undertake its task and submitted its report.

(iii) Few buses which were more than 15 years old have been withdrawn from the service though it was found that owing to public requirement the buses had to be operated after completing all required precautionary protocols and scheduled maintenance.

(iv) SOP has been issued for operation of buses for strict implementation and compliance of Government Directives.

(v) Four employees were placed under suspension based on the enquiry report for alleged slackness in duties. As slight negligence have been alleged against these employees in the maintenance and repair of the Bus No STS-375 (AN 01D-0129) relates to the braking system of STS 375, the maintenance staffs who undertook the repair work in the bus on previous days were placed under suspension. Similarly, the Bus driver for not reporting of the condition of few important items of the bus and the traffic In-charge for non maintenance of Fitness Validity data were also suspended.

(vi) Police has filed FIR in this case and the case is pending in the Court of Law as per the due procedure.

14. Moreover, the Department has initiated the action for purchase of new buses in view of withdrawal of old buses from the fleet. The percentage of de-registered buses constitutes a good 30% and with the depleted fleet, Department is facing great challenge to fulfill the demands of general public. On receipt of the directions received from the Gol (MORTH) regarding de-registering of 15 years and older vehicles, department has made plan to replace the older and deregistered vehicles in a phased manner. Accordingly, with the available budgetary provisions, department procured 14 new buses in 2023-2024 and 21 new buses in 2024-2025 and included these buses in the fleet. However, the replacement plan is a time consuming activity as there are many logistics issues involved in the procurement and transportation of buses from mainland to island as well as for inter island transportation. Purchase of new buses is a huge time consuming process and it takes about 6-10 months to complete one single purchase. Budgetary constraint is another factor which restricts the purchase procedure. Purchase of buses is a highly capital intensive activity and the entire Action Plan of the department is prepared and planned as per the availability of Budget allocation to the Union Territory.



19. ... In this regard, it is to mention that the Transport Department has made efforts to fill up the vacant posts of various categories in order to meet the requirement of the department by publishing vacancy notice dated 29.04.2023. That after publication of vacancy notice for filling up of 2520 (215 type of post) metric level posts in the different Department of A&N Administration, the Daily rated Bus Drivers/Conductors, HSW SW & USW working in Transport Department filed cases in the Hon'ble High Court Kolkata Circuit Bench at Port Blair and before the Hon'ble Central Administrative Tribunal Kolkata circuit bench at Port Blair praying for regularization of their service and restraining the A&N Administration to proceed further with the vacancy notice dated 29.04.2023. Out of total 580 Daily Rated Employee working in the Transport Department, 381 DRMs filed cases in different courts and on various occasion the Hon'ble Court has passed an interim order to stay the vacancy. Hence the Department is not in position to fill the vacancy due to directions passed by the Honble Court in various cases.”

5. While the loss of human life is deeply unfortunate and every possible step must be taken to ensure such tragedies do not recur, it is equally essential that governance—particularly in matters involving logistics and public infrastructure—be afforded reasonable latitude to balance competing demands.

6. The affidavit filed by the Administration makes it clear that follow-up steps have been taken, including the constitution of an enquiry committee, suspension of the concerned employees, and initiation of criminal proceedings against the individuals involved, including the driver.

7. The Administration intends to modernize the public transport fleet in a phased manner. The steps for recruitment staff have also



been initiated .This Court is inclined to believe that the Administration is acting in furtherance of public safety in this regard.

8. In view of the steps already undertaken by the Administration, there is no justification to keep the writ petition pending. However, we direct the Administration to ensure that the process of phasing out unfit vehicles is completed as expeditiously as possible and that adequate safety mechanisms, including routine inspections and the issuance of fitness certificates, are rigorously enforced.

9. Accordingly, **WPA(P)/1/2025** is deposed of.

(**KAUSIK CHANDA, J.**)

I Agree

(**KRISHNA RAO, J.**)