

(2025) 10 PAT CK 1329

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.22539 Of 2018

Sanjeev Kumar Tiwari @ Sanjeev Kumar Tiwary

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 07-10-2025

Acts Referred:

Motor Vehicles Act, 1988 — Section 2(40), 88(5), 91
Motor Transport Workers Act, 1961 — Section 15

Citation : (2025) 10 PAT CK 1329

Hon'ble Judges : G. Anupama Chakravarthy, J

Bench : Single Bench

Advocate : Ajay Kumar Jha, Raghwendra Kumar

Final Decision : Disposed Of

Judgement

G. Anupama Chakravarthy, J

1. The petitioner has filed the instant application for the following reliefs:

"For quashing the modified time table issued by the Secretary, S.T.A, Bihar (Respondent no 3) to the petitioner for his Permanent Inter State Stage Carriage Permit no 35/2018 covered with Bus No BR-06PD-8224 and BR-06PD-8227, valid for the period 01.09.2018 to 31.08.2023 on the route Chapra to Siliguri as contained in Annexure-4 to this writ petition, whereby the Learned Secretary (Respondent no 3) of its own without any order of the S.T.A, Bihar or any request made by the petitioner, modified the proposed time table after curtailing the arrival and departure timing of the notified bus stand lying between the route which has already been sanctioned and granted by the State Transport Authority, Bihar in favour of the petitioner in the meeting of S.T.A, Bihar dated 24.07.2018 proceeding of which has been signed on 25.07.2018, and be pleased to grant the proposed time table to the petitioner's permit."

2. The petitioner challenges the modification of the proposed time table for the Inter-State Stage Carriage Permit granted by the State Transport Authority

(S.T.A.), Bihar, for the route Chapra to Siliguri.

3. The factual matrix, as stated by the petitioner, is as follows: pursuant to a Reciprocal Transport Agreement between the States of Bihar and West Bengal, published in the Bihar Gazette on 9.5.2016, ten vacancies were notified for Inter-State Stage Carriage Permits on the route from Chapra to Siliguri. The petitioner submitted an application in the prescribed form with the requisite fees and a proposed time table. Objections were invited by publishing the proposed time table on the official website; further objections were received, the S.T.A. included the petitioner's application in its agenda for the meeting held on 24.07.2018. The permit was sanctioned in favour of the petitioner at this meeting and the proceedings were signed on 25.07.2018. It is submitted that subsequently, the petitioner furnished all requisite vehicle and other documents for issuance of the permit. The Permanent Permit No. P.St.S 35/2018, along with the time table, was issued to the petitioner on 14.09.2018 (Annexure-4), and received by the petitioner on 21.09.2018.

4. The Learned counsel for the petitioner submitted that upon receipt, the petitioner came to know that the S.T.A. had unilaterally modified the originally proposed time table by deleting the arrival and departure timings at several notified bus terminals along the route Araria, Purnia, Dalkhola, Kishanganj and Islampur. It is further submitted that this deletion was contrary to Clause (xiii) of the Reciprocal Transport Agreement, which mandates that both reciprocating states i.e., State of Bihar and State of West Bengal shall allow stage carriages of the other state to pick up and set down passengers at their respective notified bus terminals.

5. The Learned counsel for the petitioner also submitted that Section 2(40) of the Motor Vehicles Act, 1988, defines "stage carriage". Clause (XIII) of Reciprocal Transport Agreement contains that "Both the reciprocating State carriage of other State to pick up and set down the passengers from their respective notified bus terminal. Furthermore, Section 2(38) of the Act defines "route" as a line of travel with specified highways and via points, which include notified bus terminals where stoppages can be scheduled. The unilateral deletion of halt timings by the S.T.A. without the petitioner's consent and without any order authorizing such modification, is illegal and contrary to the Motor Vehicles Act and the Reciprocal Transport Agreement. The petitioner emphasizes that the revised time table envisages a continuous journey of approximately 8 hours without any halts, which is impracticable and contravenes Section 91 of the Motor Vehicles Act read with Section 15 of the Motor Transport Workers Act, 1961. These provisions mandate rest intervals for drivers and workers, and reasonable stoppages for passenger comfort, including access to essential facilities such as restrooms.

6. The Learned counsel for the petitioner further submitted that the S.T.A. office has acted without jurisdiction and committed a gross illegality by issuing a time table inconsistent with statutory provisions and the agreement. Since there is no

statutory remedy of appeal or revision available against issuance or modification of time tables, the petitioner has approached this Court invoking writ jurisdiction for redressal of his grievance.

7. By filing a supplementary affidavit, the petitioner brought on record the renewal of the permit. It is submitted that after expiry of the permanent Inter State Stage carriage Permit No. 35/2018 (W.B.), which was valid for the period 01.09.2018 to 31.08.2023 (Annexure-4), the permit granting authority i.e. State Transport Authority, Bihar, Patna further renewed the permit for 5 years w.e.f. 01.09.2023 to 31.08.2028 vide order dated 07.06.2023 of the Secretary, S.T.A., Bihar, Patna.

8. The Learned counsel for the respondents submitted that the Government of Bihar, in exercise of powers conferred under Section 88(5) of the Motor Vehicles Act, 1988, issued a draft notification of the proposed Reciprocal Transport Agreement between the States of Bihar and West Bengal. This draft was published in the Bihar Gazette on 26.05.2014, inviting objections and suggestions within 30 days, in accordance with the statutory procedure. Following receipt of objections from various transport owners, associations, and the public, the State Transport Commissioner, Government of Bihar, conducted a hearing on 02.07.2015, duly considering all representations. After disposal of objections, the final Reciprocal Transport Agreement was published in the Bihar Gazette (Extraordinary) on 09.05.2016 in full compliance with Section 88(5) of the Motor Vehicles Act.

9. The Learned counsel for the respondents further submitted that under this Agreement, vacancies for Interstate Stage Carriage Permits were created for various routes, including the route from Chapra to Siliguri via Darbhanga and Pratapganj. Ten permits were allocated to each state for this route. The State Transport Authority, Bihar, accordingly invited applications for permits on the said route. It is further submitted that in response, the petitioner filed an application along with the proposed time table and requisite fees. Objections were invited, and the petitioner's application was placed before the State Transport Authority on 24.07.2018. After considering the comparative merits, the Authority granted the permit subject to submission of all valid documents.

10. It is further submitted that the petitioner's proposed time table was not in conformity with the "via" points specified in the Agreement. No permit can be granted for operations beyond the prescribed via points— Darbhanga and Pratapganj. Consequently, the time table allotted to the petitioner only includes timings at these via points in strict compliance with the terms of the Agreement.

11. The Learned counsel for the respondents submitted that further, Clause (xiii) of the Reciprocal Transport Agreement permits stage carriages to pick up and set down the passengers only at their respective notified bus terminals, but this does not authorize allotment of time tables for all bus terminals falling within the route's via. The permit-issuing authority has the discretion to fix the time table

while avoiding timing clashes with other operators on the same or overlapping routes.

12. The Learned counsel for the respondents lastly submitted that in the aforesaid view of the matter, the relief sought by the petitioner, which challenges the modification of the time table and inclusion of only certain notified terminals, is contrary to the terms and conditions of the Reciprocal Transport Agreement and the applicable law and the writ petition lacks merit and is liable to be dismissed in the interest of justice.

13. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

14. During the course of arguments, the Learned counsel for the petitioner submitted that, after the expiry of the permanent Inter-State Stage Carriage Permit, the competent authority had renewed the said permit for a further period of five years.

15. Upon prayer made by Learned counsel for the petitioner, this Court, vide order dated 20.08.2025, directed the petitioner to bring on record the renewal of the permit.

16. In compliance, the petitioner filed a supplementary affidavit, bringing on record Annexure-5, whereby Inter-State Stage Carriage Permit No. 35/2018(W.B.), originally valid from 01.09.2018 to 31.08.2023 (Annexure-4), was renewed by the competent authority—namely, the State Transport Authority, Bihar, Patna—for an additional period of five years with effect from 01.09.2023 to 31.08.2028, as per the order dated 07.06.2023 issued by the Secretary, S.T.A., Bihar.

17. This Court has perused the order of renewal of the permit by the competent authority and finds that the permit remains valid until 31.08.2028.

18. Based on the facts and circumstances stated above, and upon due consideration of the submissions, this Court is of the considered opinion that the modified time table issued by the Secretary, S.T.A., Bihar (Annexure-4) is not sustainable in law, as it was issued contrary to the terms of the permit, the relevant legal provisions, and despite the fact that the competent authority had already renewed the permit for a further period up to 31.08.2028.

19. Accordingly, Annexure-4 is hereby quashed and set aside.

20. As such, the writ petition stands allowed.

21. Interlocutory Application(s), if any, shall stands disposed of.