
(2015) 09 JH CK 0033
In the Jharkhand High Court
Case No : WP(C) No. 6874 of 2013

Sunita Sharma

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 15-09-2015

Acts Referred:

Citation : (2015) 4 JLJR 575

Hon'ble Judges : S. Chandrashekhar, J.

Bench : Single Bench

Advocate : Sudhir Sahay and Mitul Kumar, for the Appellant; Shweta Singh, for the Respondent

Final Decision : Dismissed

Judgement

S. Chandrashekhar, J.—Aggrieved by order dated 8.1.2013 whereby, the application seeking grant of permanent permit has been rejected, the present writ petition has been filed. The learned counsel for the petitioner submits that the impugned order dated 8.1.2013 has been passed by the Chairman of the Jharkhand State Transport Authority whereas, the Authority constitutes the Chairman and other four technical members and therefore, the Chairman, State Transport Authority has no jurisdiction to hear the application seeking grant of permanent permit. Per contra, Mrs. Shweta Singh, the learned counsel appearing for the respondent-State of Jharkhand submits that in view of resolution dated 1.11.2012, the Chairman, State Transport Authority was empowered to take a decision on the application filed by the petitioner.

2. A copy of Minutes of Meeting of the State Transport Authority held on 1.11.2012 has been brought on record. It discloses that a decision was taken that the application submitted by the petitioner would be heard by the Chairman, State Transport Authority. It further reveals that on the proposed route there was no vacancy. Order dated 8.1.2013 records that vide order dated 27.7.2007 in W.P. 15611 (W) of 2007, this Court stayed the increase in number of permits and the respondent-authorities were restrained from granting Permanent Stage

Carriage Permit beyond fleet strength till publication of final notification. Consequently, it was found that there was no vacancy on the route proposed by the petitioner. Order dated 8.1.2013 merely narrates the facts of the case and the said order is not on the merits of the matter. I find no merit in the contention that the impugned order dated 8.1.2013 is without jurisdiction. In the result, the writ petition is dismissed.