

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WA.No. 479 of 2015 () IN WP(C).1384/2015

AGAINST THE JUDGMENT IN WP(C) 1384/2015 DATED 05-02-2015

APPELLANT/PETITIONER :

UDAYAKUMAR E.K., AGED 53 YEARS
S/O E.P. KRISHNAN, UDAYA DRIVING SCHOOL
OPP. N.G.O. QUARTERS, KALLEPPULLY
PALAKKAD-678 018 RESIDING AT SANTHI NILAYAM
CHIRAKKAD, MUNNATHURMEDU, PALAKKAD-678 013

BY ADV. SRI.U.BALAGANGADHARAN

RESPONDENTS/RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
TRANSPORT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE TRANSPORT COMMISSIONER
TRANSPORT COMMISSIONERATE, 2ND FLOOR, TRNAS TOSERS
VAZHUKADE THIRUVANANTHAPURAM-695 014.
3. THE REGIONAL TRANSPORT OFFICER
MOTOR VEHICLE DEPARTMENT, CIVIL STATION
PALAKKAD-678 001.

R1 TO R3 BY SR.GOVERNMENT PLEADER, SRI.P.I. DAVIS.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.A. No. 479 OF 2015

Dated this the 27th day of February, 2015

JUDGMENT

Shaffique, J.

The petitioner in the writ petition is the appellant. He challenges the judgment dated 05.02.2015 in W.P.(C) No. 1384 of 2015.

2. The petitioner challenged Ext.P5 memo by virtue of which his application for renewal of license to run a Motor Driving School has been rejected, based on Circular No.27/2013 of Transport Commissioner, Thiruvananthapuram stating that as per the inspection report the petitioner's institution does not comply with the conditions specified in the said Circular. The main contention urged by the petitioner was that he had filed an application as evidenced by Ext.P3 on 30.08.2013 for renewal of the license. But the same was not considered, as a result of which he had given reminder as per Ext.P4 dated 13.10.2014. It is referring to the same that Ext.P5 had been passed, therefore, it is contended that his

application should not have been considered on the basis of Ext.P6 Circular which came after the petitioner submitting application for renewal. The learned Single Judge found that since application for renewal was considered at the time when the Circular was in force, there was justification on the part of the Regional Transport Officer to have relied on Circular No.27/2013. We do not think that the said finding is in any way illegal.

In the said circumstances, there is no merit in the contentions urged on behalf of the appellant. We do not find any ground to interfere with the judgment of the learned Single Judge. Hence the Writ Appeal is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**