

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WA.No. 599 of 2015

AGAINST THE JUDGMENT DATED 23.1.2015 IN WP(C) 20695/2014.
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APPELLANTS/PETITIONERS IN WPC:

1. VATAKARA TALUK PRIVATE
BUS OPERATORS ASSOCIATION,
REPRESENTED BY THE GENERAL SECRETARY,
GOPALAN NAMBIAR K.K., KOZHIKODE DISTRICT.
2. P.K.PAVITHRAN, PULICKOL THAZHAKUZHAYIL HOUSE,
VATAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS/RESPONDENTS IN WPC:

1. THE REGIONAL TRANSPORT OFFICER,
(SECRETARY, R.T.A., VATAKARA),
VATAKARA, PIN - 673101.
2. THE PRINCIPAL,
HI-TECH INSTITUTE OF TECHNOLOGY,
NEAR ASHOKA TALKIES,
VATAKARA, KOZHIKODE-673101.
3. THE PRINCIPAL, ARABINDO INSTITUTE OF
COMMERCE MANAGEMENT AND TECHNOLOGY,
NEAR SYNDICATE BANK, EDODI, VATAKARA, PIN - 673101.
4. THE C-APT MULTIMEDIA ACADEMY,
IT SAMURAI, NEW BUS STAND, VATAKARA, PIN - 673101.
5. VIMS PARA MEDICAL INSTITUTION,
VIMS HOSPITAL, KALLACHI, KOZHIKODE, PIN - 673020.

**R1 BY SENIOR GOVERNMENT PLEADER SRI.P.I.DAVIS
R2 TO R5 BY SRI.K.MOHANAKANNAN**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 31-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

WA.No. 599 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE AI: TRUE COPY OF THE DETAILS FURNISHED G.TECH COLLEGE
 FOR ADVANCED STUDIES, VATAKARA BEFORE THE
 1ST RESPONDENT.**

RESPONDENT'S ANNEXURES:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

**ASHOK BHUSHAN, CJ
& A.M.SHAFFIQUE, J.**

*** * * * ***

W.A.No.599 of 2015

Dated this the 31st day of March 2015

J U D G M E N T

Shaffique,J

The writ petitioners are the appellants who challenge the judgment dated 23/01/2015 in W.P.C.No.20695/2014. The writ petition was filed challenging Ext.P2, an order passed by the Secretary, Regional Transport Authority in regard to grant of concession tickets to students who are undergoing courses in respondents 2 to 5 institutions and also another institution. This order came to be passed on the basis of the directions issued by this Court in the judgments dated 12/09/2013 in W.P.C.No.22231/2013, 14/08/2013 in W.P.C.No.19050/2013 and also in the order in R.P.No.848/2013 in W.P.C.No.22231/2013. After considering the objections raised by the representatives of the bus operators, the authority had taken note of the documents

produced and had formed an opinion that the students were eligible to get concession in terms of the notification issued at Ext.P1. It was contended by the petitioners that though respondents 2 to 5 institutions were conducting valid courses which are eligible for giving concession to students, the particulars relating to the duration of course as well as the eligibility of students who are admitted to the course has not been considered by the 1st respondent while granting concession. It is pointed out that the 1st respondent ought to have verified the credentials of the students who are eligible to get concession, whether the courses involved could have admitted, number of students for whom the application for concession was submitted by the Principal and also the duration of course. It is submitted that even if the duration of course is for a short period, concessions are issued for a larger period i.e. upto one year. The learned Single Judge, after considering the rival contentions, did not feel it necessary to interfere with Ext.P2. Accordingly the writ

petition was dismissed.

3. Heard learned counsel for the appellants, the learned Government Pleader for the 1st respondent and the learned counsel appearing for respondents 2 to 5.

4. The main contention urged by the learned counsel for the appellants is regarding the absence of a proper procedure to entertain the concession application. According to the learned counsel, though several institutions are giving all necessary particulars, respondents 2 to 5 alone are not giving all details of the actual course they are conducting, eligibility of students, the particulars regarding duration of course and other parameters which are required for granting concession. Though it is admitted that the institutions are conducting courses which are eligible for concession in terms of Ext.P1, unless the required details are provided, there is no justification on the part of the authority to confirm that the said students are eligible for getting concession.

5. The main reason projected by the learned counsel for the petitioner is that the duration of course as well as number of students and eligibility of students who got admitted to the course have not been specifically mentioned. This fact is disputed by the learned counsel for respondents 2 to 5 who submits that all the necessary particulars which are required for getting concession tickets have already been provided by them and no objections have been raised by the 1st respondent in that regard. That apart, the entire issue had been reconsidered on the basis of the earlier directions issued by this Court which ultimately resulted in Ext.P2 order and that the learned Single Judge was justified in not interfering with Ext.P2 order. Further, it is submitted that Ext.R5(c) dated 30/10/2013 issued by the Regional Transport Officer was not challenged by the petitioners and therefore there was no reason to take up the contention as now stated by the petitioners.

6. The learned Government Pleader, on the basis of the statement filed by the 1st respondent, submits that a proper committee was constituted for ascertaining the eligibility of various institutions to provide concession tickets to the students and the said committee includes the representatives of Bus Operators as well. All the stage carriage operators were also called in the meeting held by the Committee and it is thereafter that a decision is taken to issue concession tickets which is in strict compliance with the directions in Ext.P1. It is admitted that the courses conducted by respondents 2 to 5 are coming under the category included in Ext.P1 and hence the students studying in those institutions are entitled for concession. It is also stated that the duration of the course and also the number of students studying are not matters and the question is whether one is entitled for concession or not.

7. Having heard the learned counsel appearing on either side, we do not think that Ext.P2 order suffers from

any infirmity which requires to be set aside. The only grievance projected by the appellants is non-consideration of the application in proper manner by the 1st respondent. As already observed, the eligibility of the institutions to grant concession tickets to the students is considered by the committee which includes the representatives of the bus operators as well. Therefore, it cannot be stated that any arbitrary decision is taken in the matter. But, as far as the grant of concession tickets on the basis of the request made by the Head of the Institution of the respective institutions are concerned, it is for the 1st respondent to consider the question as to whether such students are entitled for concession tickets on the basis of the course they are being admitted to and also taking into consideration the duration of such courses. This aspect of the matter shall be borne in mind by the 1st respondent while issuing concession tickets. If a course is restricted only for a period of six months, necessarily the concession ticket shall be granted only for

that period and not for one year, as contended by the learned counsel for the appellants. Under such circumstances, we only observe that the 1st respondent, while granting concession, has to take into consideration all the relevant aspects of the matter including the duration of the course to which the student is admitted to.

With the above observation, this writ appeal is dismissed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

