

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

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C) .No. 4404 of 2015 (S)  
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PETITIONER(S) :-  
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MALA SOCIAL FORUM - CENTRE FOR SOCIAL CHANGES,  
DOOR NO.30/IX, OPPOSITE KSRTC BUS STAND, MALA  
THRISSUR DISTRICT, REPRESENTED BY ITS CHAIRMAN  
T.A.JOSEPH

BY ADVS.SRI.G.HARIHARAN  
SRI.PRAVEEN.H.

RESPONDENT(S) :-  
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1. STATE OF KERALA  
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT  
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT  
THIRUVANANTHAPURAM-695 001.
2. THE TRANSPORT COMMISSIONER  
MOTOR VEHICLE DEPARTMENT, HEAD QUARTERS  
TRANS TOWERS, VAZHUTHACAUD  
THIRUVANANTHAPURAM -695 014
3. UNION OF INDIA  
MINISTRY OF SHIPPING  
ROAD TRANSPORT AND HIGHWAYS (DEPARTMENT OF ROAD  
TRANSPORT AND HIGHWAYS) TRANSPORT BHAVAN  
NO.1 PARLIAMENT STREET  
NEW DELHI-110 001 REPRESENTED BY ITS PRINCIPAL SECRETARY.

R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL  
R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WP(C) .No. 4404 of 2015 (S)

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APPENDIX

PETITIONER(S) ' EXHIBITS :-

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EXT.P1 - TRUE COPY OF REGISTRATION CERTIFICATE ISSUED BY THE REGISTRAR OF SOCIETY, THRISSUR RELATING TO THE PETITIONER'S SOCIETY.

EXT.P2 - TRUE COPY OF THE NOTIFICATION SO NO.443(E) DATED 12-06-1989 UNDER SECTION 212(4) OF THE MOTOR VEHICLES ACT.

EXT.P3 -TRUE COPY OF THE AMENDMENT OF NOTE-II UNDER RULE 5 OF THE KERALA TRANSPORT SUBORDINATE SERVICE RULES 2008.

EXT.P4 - TRUE COPY OF THE JUDGMENT MADE IN WRIT APPEAL NO.1643/2007 DATED 18-8-2007 BY THE HON'BLE HIGH COURT OF KERALA.

EXT.P5 - TRUE COPY OF THE ORDER MADE IN REVIEW PETITION NO.941/2007 DATED 23-11-2007 IN WRIT APPEAL NO.1643/2007.

EXT.P6 - TRUE COPY OF THE INTIMATION DATED 3-10-2008 ISSUED BY THE MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS GOVERNMENT OF INDIA.

RESPONDENT(S) ' EXHIBITS :- NIL

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//TRUE COPY//

P.A. TO JUDGE

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

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**W.P.(C) No.4404 of 2015**  
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**Dated this the 11<sup>th</sup> day of February 2015**

**J U D G M E N T**

**Ashok Bhushan, Ag.CJ**

Heard the learned counsel for the petitioner as well as the learned Government Pleader and the learned Assistant Solicitor General appearing for the 3<sup>rd</sup> respondent.

2. This writ petition has been filed praying for issue a writ of certiorari quashing Ext.P3 notification to the extent of introduction of Note-II to Rule 5(3)(2) of the Kerala Transport Subordinate Service Rules, 2008, which is produced as Ext.P3 in the writ petition. Note-II to Rule 5(3)(2) reads as follows :-

"Note-II - In the case of persons appointed by transfer and in service prior to the date of publication of this notification, the condition regarding working experience provided in Note I need not be insisted."

3. The petitioner claims to be a society registered under the Travancore Cochin Literary Scientific Charitable Societies Act, 1955. The petitioner claims to have filed the writ petition to bring out an anomaly prevailing in the selection of officials under the Motor Vehicles Act, 1988. We are of the view that the petitioner

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society cannot be held to have any locus standi to file a public interest litigation where, challenge is only to Note-II as noted above. The service rules have been framed for regulating the service conditions of the Government service. We do not find any locus in the writ petition to entertain this as a public interest litigation matter.

Hence, the writ petition is dismissed.

**Sd/-**  
**ASHOK BHUSHAN**  
**Ag. CHIEF JUSTICE**

**Sd/-**  
**A.M. SHAFFIQUE**  
**JUDGE**