

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WP(C).No. 17597 of 2015 (Y)

PETITIONER(S):

- 1. PRINCIPAL, ST. MARY'S SENIOR SECONDARY SCHOOL,
CHERUPANATHADY, KASARAGOD DISTRICT.**
- 2. THE MANAGER,
AMBIKA ENGLISH MEDIUM SCHOOL,
PALAKUNNU P.O., BEKAL.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S):

**THE JOINT REGIONAL TRANSPORT OFFICER,
KANHANGAD - 671 121.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE REGISTRATION PARTICULARS IN RESPECT OF KL-10/H 4166.**
- P2 - TRUE COPY OF THE REGISTRATION PARTICULARS IN RESPECT OF KL-14/B 1494.**
- P3 - TRUE COPY OF THE REGULAR PERMIT ISSUED TO KL-10/H 4166 VALID UP TO 28.7.15.**
- P4 - TRUE COPY OF THE REGULAR PERMIT ISSUED TO KL-14/B 1494 VALID UP TO 18.9.19.**
- P5 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE 1ST PETITIONER IN RESPECT OF KL-10/H 4166 DT. 28.5.15.**
- P6 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE 2ND PETITIONER IN RESPECT OF KL-14/B 1494 DT. 25.5.15.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17597 of 2015

Dated this the 17th day of June, 2015

J U D G M E N T

Aggrieved by the non consideration of the applications submitted by the petitioners for renewal of certificate of fitness in respect of the educational institution buses, the petitioners have come up before this Court.

2. The 1st petitioner is the Principal of St.Mary's Senior Secondary School and the 2nd petitioner is the Manager of Ambika English Medium School, Palakunnu. They submitted Exts.P5 & P6 applications respectively for renewal of certificate of fitness in respect of the vehicles owned by them, which are classified as Education Institution Bus. The petitioners' grievance is that the respondent refused to entertain the said applications and to issue certificate of fitness on the ground that those vehicles have exceeded 15 year of age. The petitioners

..2..

point out that this Court had occasion to consider with regard to the restriction of 15 years in respect of passenger vehicles and it was found that such restrictions cannot be imposed by the transport authorities in the case of educational institution bus (2013 (2) KLT Short Note 1). Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. When the matter was taken up, the learned counsel for the petitioners confined his argument to the limited prayer for a direction to the respondent to consider and pass appropriate orders on Exts.P5 & P6 applications submitted by the petitioners in the light of the reported decision [2013 (2) KLT Short Note 1], within a time frame.

Therefore, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Exts.P5 & P6 applications submitted by the petitioners in the light of the reported decision [2013 (2) KLT Short

Note 1], within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioners shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition along with a copy of the reported decision [2013 (2) KLT Short Note 1] before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-