

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 20888 of 2015 (I)

PETITIONER :

**SADIK.N.K, S/O.MUHAMMED KOYA,
PATHUMMUNNI MAHAL, KONDOTTY,
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S):

- 1. THE REGISTERING AUTHORITY,
REGIONAL TRANSPORT OFFICE,
MALAPPURAM,PIN-676 505**
- 2. REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM,PIN-676 505**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE CERTIFICATE ISSUED BY THE HEADMISTRESS, G.M.U.P. SCHOOL, KONDOTTY DATED 2/7/2015 REGARDING THE STRENGTH OF THE STUDENTS OF THE SCHOOL.**
- P2 COPY OF THE MINUTES OF THE SUB COMMITTEE OF THE SCHOOL MANAGING COMMITTEE DATED, 18/3/2015**
- P3 COPY OF THE CERTIFICATE OF TEMPORARY REGISTRATION OF THE VEHICLE**
- P4 COPY OF THE VEHICLE DATA SHEET OF THE VEHICLE, ISSUED DATED 1/7/2015**
- P5 COPY OF THE DECLARATION ISSUED BY THE HEADMISTRESS, G.M.U.P SCHOOL, KONDOTTY DATED 24/6/2015**
- P6 COPY OF THE CERTIFICATE ISSUED FOR THE REGISTRATION OF THE SCHOOL BUS, SIGNED BY THE HEADMISTRESS, THE ASSISTANT EDUCATIONAL OFFICER AND THE PETITIONER.**
- P7 COPY OF THE PASSBOOK OF THE JOINT ACCOUT OF THE HEADMISTRESS AND THE SMC CHAIRMAN IN G.M.U.P SCHOOL, KONDOTTY IN THE CANARA BANK, KONDOTTY BRANCH.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20888 of 2015

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Dated this the 15th day of July, 2015

JUDGMENT

Aggrieved by the refusal of the registering authorities to register a bus produced by the petitioner as a school bus, the petitioner has come up before this Court.

2. The petitioner is the President of Parent Teachers Association now named as the Chairman of the School Managing Committee (SMC) in the G.M.U.P School, Kondotty. The petitioner alleges that there are around 1200 students studying in the school for the classes V, VI, VII. The General Body of the P.T.A had decided vide Ext.P2 minutes to purchase a school bus and a sub committee was formed, for taking steps to purchase the bus.

3. Accordingly, the bus was purchased utilising loan from Tata Motors finance Limited. For availing loan, if the vehicle is registered in the name of the Chairman of the SMC no loan would be availed by

any financial institution. Therefore, the loan was availed in the name of the petitioner and the vehicle was temporarily registered in his name. The vehicle is painted with yellow and to be registered as a school bus.

4. Though the petitioner along with the entire documents showing that he is the SMC Chairman of the school, approached the respondents for registering the vehicle as a school bus, the respondents refused to register the same on the ground that the vehicle should not have been purchased in the name as Chairman SMC as the school is a Government school. The petitioner alleges that since the school is a Government school, it could not be purchased in the name of the Committee. Therefore, the vehicle was purchased in the name of the petitioner. When the AEO and the Headmistress, authorised the petitioner to register the bus as a school bus, there was no justification in not registering the vehicle as a school bus by the respondent. It is with this background, the petitioner has approached this Court.

5. Arguments have been heard.

6. Today when the matter came up for hearing, the learned Senior Government Pleader on instructions submitted that the petitioner has not approached the authorities concerned with the supporting documents and in the event of production of the documents, the same shall be considered by the first respondent.

Therefore, the writ petition is disposed of permitting the petitioner to approach the first respondent with a formal application with supporting documents and in the event of filing such an application as above, the same shall be considered by the first respondent and formal orders shall be passed in accordance with law within a period of two weeks thereafter.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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