

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.Nos.28302 to 28304 of 2016

SSM Lakshmiammal Higher Secondary School,
represented by its Correspondent

Mr.K.S.Elavarrasan

S/o.S.S.M.Soundappan,

Post Box No.161, Bypass Road,

Komarapalayam - 638 183.

.. Petitioner in all W.Ps

Vs

The Regional Transport Officer,

Regional Transport Office,

Trichengode.

.. Respondent in all W.Ps

Prayer in W.P.No.28302: This Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to receive and pass orders for renewal of permit on the application dated 19.07.2016 to the vehicle bearing registration No.TN-34K-9366.

Prayer in W.P.No.28303: This Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to receive and pass orders for renewal of permit on the application dated 19.07.2016 to the vehicle bearing registration No.TN-34A-3966.

Prayer in W.P.No.28304: This Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to receive and pass orders for renewal of permit on the application dated 19.07.2016 to the vehicle bearing registration No.TN-34E-1599.

For Petitioner

in all W.Ps : Mr.R.Shankaranarayan

For Respondent

in all W.Ps : Mr.K.J.Sivakumar
Government Advocate

COMMON ORDER

Heard Mr.R.Shankaranarayan, learned counsel appearing for the petitioner and Mr.K.J. Sivakumar, learned Government Advocate appearing for the respondent and with their consent, these writ petitions are taken up for disposal.

2.All these Writ Petitions have been filed by a Higher Secondary School called SSM Lakshmiammal Higher Secondary School. It appears that the petitioner owns several buses to transport the children from the school to the neighboring areas as it is stated that there is lack of connectivity between the places where the school is situated and the nearby villages and towns. Therefore, the petitioner approached the authorities with an application for renewal of their permits. The respondent has refused to accept the same and returned the application on the ground that the petitioner's recognition has not been renewed by the Education Department.

3.The written instruction given by the respondent to the learned Government Advocate dated 23.08.2016 also refers to the said objections stating that the recognition given to the petitioner institution had expired on 21.02.2013 and inspite of the lapse of three years, the petitioner has not obtained renewal of recognition and therefore the petitioner's application for fitness certificate has been returned with a direction to the petitioner to represent the same alongwith the renewal of the recognition granted by the Education Department.

4.The petitioner has established by documents produced before this court that till date the Education Department has not disposed of the application for recognition. Further, it is seen that the petitioner institution is also a recognised examination centre for both 10th and 12th standard public examination. The application for recognition is pending and the clarification sought for by the Director of Matriculation Schools was sent by the Inspector of Matriculation Schools, Erode on 25.01.2016. Further the petitioner has enclosed all other relevant records which they have filed along with their application for renewal of recognition before the Education Department. As long as the application for renewal of recognition has not been rejected and kept pending, it cannot be stated that the petitioner institution has to close down. However, the respondent cannot take action on the said issue and it is for the Education Department to take appropriate action, that too, after disposal of the application for renewal of application. The petitioner has also filed supplementary affidavit in all the Writ Petitions stating that their application for renewal for recognition is still pending.

5. In the light of the above, the writ petitions are disposed of by directing the respondent to accept the petitioner's application for issuance of fitness certificate which shall be submitted with all other documents and the respondent shall consider the application without insisting upon an order of recognition from the Education Department in the light of the fact that the application is yet to be disposed. Similarly there will also be a direction to the respondent to consider the application submitted by the petitioner for renewal of permit for the vehicles for which application has been filed. The above direction shall be complied with by the respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Regional Transport Officer,
Regional Transport Office,
Trichengode.

+1cc to Mr. R. Shankaranarayan, Advocate, S.R.No.48918

+3ccs to Government Pleader, Advocate, S.R.No.49301, 49307, 49306

EU(09/09/2016)

सत्यमेव जयते

W.P.No.28302 to 28304 of 2016

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