

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.Nos.40358 & 40359 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 both W.Ps

Vs

The Regional Transport Officer,
Regional Transport Office,
Trichengode. ... Respondent in both W.Ps

Common Prayer:

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus to call for the records of the respondent மேற்கூறிய, எண் 42681/௮-2016 and 42682/௮ 2016 respectively dated 1.8.2016 and quash the same and direct the respondent to allot Registration Nos. to the buses bearing A/F..... & A/F.....

For Petitioner : Mr.G.S.Shivekumar
(in both W.Ps.)

For Respondents : Mr.K.J.Shivakumar
(in both W.Ps.) Government Advocate

C O M M O N O R D E R

Heard Mr.G.S.Shivekumar, learned counsel for the petitioner and Mr.K.J.Shivakumar, learned Government Advocate appearing for the respondents. By consent, the Writ Petitions are taken up for disposal.

2.The petitioner is an Educational Institution and they are aggrieved by the orders of the respondent dated 01.08.2016, refusing to allot Registration Numbers to the School buses bearing A/F..... & A/F.....

3.The only reason given in the impugned proceedings is that the petitioner's recognition has not been renewed by the Educational Authorities beyond 21.02.2013.

4.This is not the first time, the petitioner-Institution is coming before this Court and they have been filing several Writ Petitions for identical reliefs, where the Applications for renewal of fitness certificate and transport permit have been refused to be considered on identical grounds and those Writ Petitions were allowed and one such order is dated 29.08.2016 in W.P.Nos.28302 to 28304 of 2016. The operative portion of the order reads as follows:

"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.
"

Pursuant to the above direction, permits of the above referred buses have been renewed and the fitness certificates have been granted.

5. The learned counsel for the petitioner submits that the Authorities of the Educational Department have inspected the School about fifteen days back and prima facie they were satisfied that all the features are provided in the Institution. Further, it is submitted that as long as the Application for renewal of recognition of the School is not rejected and is pending, it is deemed that the petitioner is entitled to run the Institution.

6. Taking note of the order passed by this Court, referred supra, the orders impugned in these Writ Petitions are not sustainable. Accordingly, the Writ Petitions are allowed and the impugned orders are set aside. The respondent is directed consider the petitioner's Applications for allotting Registration Numbers to the School buses bearing A/F..... & A/F..... within a period of one week from the date of receipt of a copy of this order. It is needless to state that

the petitioner shall produce the buses to the respondent for inspection. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpa

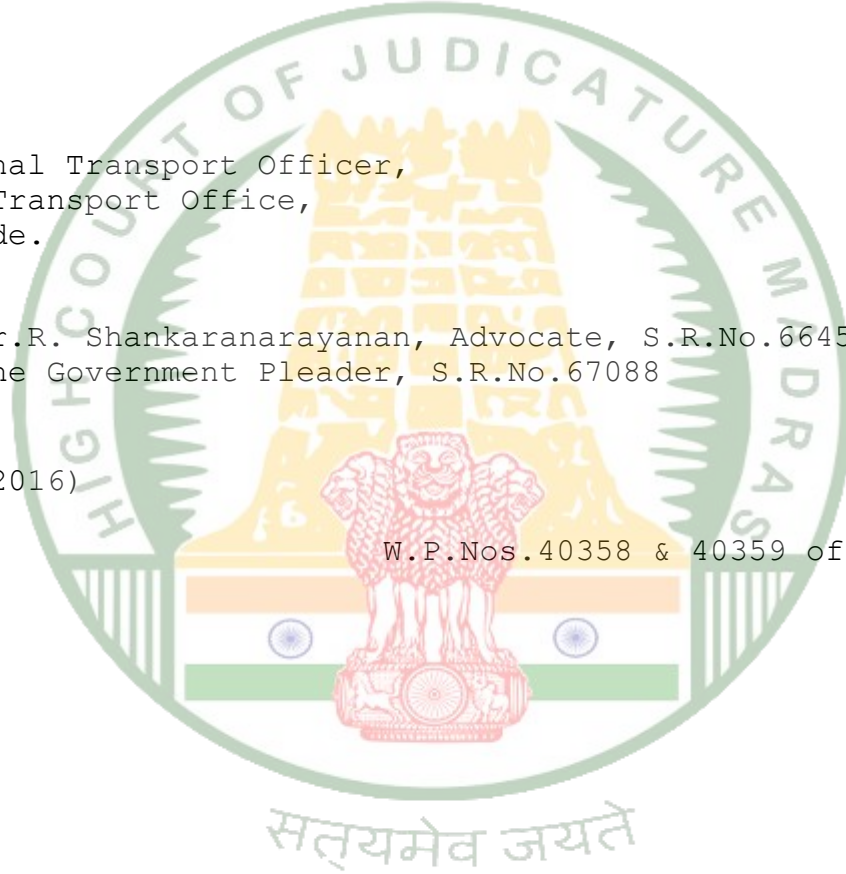
To

The Regional Transport Officer,
Regional Transport Office,
Trichengode.

+1cc to Mr.R. Shankaranarayanan, Advocate, S.R.No.66456
+1cc to the Government Pleader, S.R.No.67088

NR(CO)
md(24/11/2016)

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