

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20874 of 2017

ORDER:

This writ petition is filed by the petitioners, under Article 226 of the Constitution of India, seeking to declare the action of the respondents in not granting permits to the petitioners' vehicles bearing Nos.AP-20-TB-0570 and AP-20-TB-0585 to ply for the purpose of transportation of students as illegal and arbitrary.

2. Heard learned counsel for both sides and perused the material available on record. With the consent of learned counsel for both sides, the writ petition is taken up for disposal at the stage of admission.

3. It is the case of the petitioners that the 2nd petitioner's society has started first petitioner's school and also managing the same. The Regional Joint Director of School Education, Warangal, granted recognition to the High School and the same is valid till 2021 by proceedings L.Dis.No.837/B2/2012, dated 29.02.2012. The application, dated 28.05.2016, for renewal of recognition in respect of primary school is pending consideration before the District Educational Officer, Khammam. For the convenience of the students, the first petitioner's school is running four buses. It is further case of the petitioners that the District Educational Officer, Khammam, passed order in RC.No.5706/A8/2017, dated 29.04.2017, directing the Correspondent of the first petitioner's school to close down the school from the end of Academic year

2016-2017 from classes 1 to 5 and also directed not to take admission for Academic Year 2017-18 stating that there are disputes between the Committee members of the second petitioner's society. Against the said order, the petitioners filed W.P.No.16753 of 2017 and on 06.06.2017, this Court granted interim suspension of the order of the Deputy Educational Officer, Khammam, dated 29.04.2017. Pursuant to the said order, the first petitioner's school admitted students from classes I to V and is running classes I to V. It is further submitted that the petitioner filed an application for renewal of permits in respect of two vehicles bearing Nos.AP-20-TB-0570 and AP-20-TB-0585 before expiry of permits before the 3rd respondent, but till now the 3rd respondent has not taken any decision on the renewal of permits in respect of those two vehicles and that the said two vehicles were seized on 11.11.2016 under vehicle check report on the ground that there are no permits. The seizure of the said vehicles was questioned in W.P.No.42655 of 2016 and by order, dated 16.02.2017, this Court directed the 3rd respondent to release the seized vehicles after considering the application and subject to the petitioners paying necessary dues in terms of the Act and Rules made thereunder including the penalty that may be imposed by the Transport authorities.

4. The main grievance of the petitioners is that in spite of direction given by this Court to consider the application filed in respect of permits of the vehicle, the 3rd respondent has not taken any decision and no order was communicated to the petitioners. The petitioners again filed an application, dated

12.06.2017, requesting respondents 3 & 4 to grant permits to run the vehicles as the petitioners are unable to run the vehicles in the absence of permits.

5. Learned counsel for the petitioners submitted that the petitioners are going round the offices of respondents 3 & 4 with a request to grant permits to the vehicles to transport the students, as the students are facing severe inconvenience in attending the school due to not plying the vehicles in view of lack of permits to the vehicles, but so far, the respondents have not passed any orders on the application submitted by the petitioners for grant of permits and no orders were communicated to the petitioners with regard to granting of permits. Learned counsel further submits that the first petitioner's school is now functioning and requested this Court to direct the respondent authorities to pass appropriate orders on the application of the petitioners by taking into consideration the necessity of the vehicles for transport of the students concerned since the school is functioning.

6. Taking into consideration the facts and circumstances of the case and also the fact that the first petitioner's school is functioning, this Court intends to dispose of the writ petition with the following direction:

The respondent authorities are directed to consider the application of the petitioners, dated 12.06.2017, pass appropriate orders, as warranted by law, as expeditiously as possible, preferably within a period of four (4) weeks from the

date of receipt of a copy of this order and communicate the decision to the petitioners.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 12th July, 2017

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