



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

**WP No. 1591 of 2013
and W.M.P.Nos.1 of 2013**

Angammal Educational Trust,
Rep. By Its Authorised Signatory,
Elayampalayam 637 205, Tiruchengode,
Namakkal District.

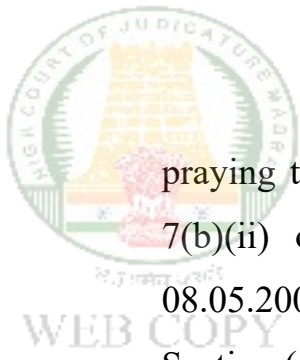
..Petitioner(s)

Vs

1. The Government of India,
Rep. by its Secretary, Department of Road
Transport and Highways, Ministry of Shipping,
Road Transport and Highways,
New Delhi.
2. National Highways Authority of
India,
Rep. by its Chairman, G5 & 6,
Sector-10, Dwarka, New Delhi-110 075.
3. The Project Director,
National Highways Authority of India,
212-3/D3-1, Sri Nagar Colony,
Narasohipatti, Salem-636 004
4. M.V.R.Infrastructure and
Tollways Pvt. Ltd,
M.V.R.Toll Plaza, Kottagoundampatty,
Omalur Taluk, Salem District-636 011.
5. Kumarapalayam Tollways Ltd,
Kambuliampatti Village, Vijayamangalam
Post, Perundurai Taluk, Erode District.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India,



praying to issue a Writ of Declaration declaring that the benefit of Paragraph 7(b)(ii) of the Notification of the 1st respondent in S.O.1178(E) dated 08.05.2009 published in the Extraordinary issue of Part II, Section 3, Sub-Section (ii) of the Gazette of India No.720 dated 8.5.2009 is available to all the “educational education buses” as defined in Section 2(11) of the Motor Vehicles Act and not only for ‘school buses’.

For Petitioner(s) : Mr.Kandhan Duraisami

For Respondent(s) : N/R/N for R1
Mr.Su.Srinivasan, SC for R3
No appearance for R2 to 5
Mr.J.Kannan for R4

ORDER

This writ petition is filed to declare the benefit of Paragraph 7(b)(ii) of the Notification of the 1st respondent in S.O.1178(E) dated 08.05.2009 published in the Extraordinary issue of Part II, Section 3, Sub-Section (ii) of the Gazette of India No.720 dated 8.5.2009 is available to all the “educational education buses” as defined in Section 2(11) of the Motor Vehicles Act and not only for ‘school buses’.

2. The matter in this writ petition is no longer *res-integra* and the same is covered by the dictum laid down by the Division Bench of this Court in W.A.Nos.50 to 58 of 2013 etc., Batch dated 18.01.2024. The Division Bench of this Court while dealing with the same issue held as follows and for better appreciation, the relevant paragraphs are extracted hereunder:-



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“2. That the appellants are the Educational Institutions that means Imparting Collegiate Education. The respondent National Highways Authority had issued a Circular giving the right of concession for the School buses run by various Educational Institutions i.e. School buses crossing the toll booths in the concerned area on monthly basis. However, such a concession has not been extended to the buses run by Educational Institutions that means Colleges Imparting Collegiate Education.

3. Therefore, that was questioned in the respective writ petitions as a discrimination between Schools and Colleges, where the respective learned Judges of the Writ Court had not accepted the plea raised by the Colleges who are the writ petitioners and therefore those writ petitions were dismissed, as against which, these appeals were filed. Some writ petitions also since have been filed for the same relief, have been tagged along with these writ appeals. That is how these writ appeals and writ petitions have come up before this Court.

4. Mr.Kandhan Duraisami, learned counsel appearing for the appellant Educational Institutions i.e. Colleges, have fairly submitted that, the similar issue arising out of the same Circular had already been considered by a Division Bench of this Court in the matter of Mahendra College of Engineering, Attur Main Road, Minnampalli, Salem and another Vs. The Government of India, represented by its Secretary, Department of Road Transport and Highways, Ministry of Shipping Road, Transport and Highways, New Delhi in W.A.No.560 of 2014 etc. batch, by judgment dated 25.04.2014. He has produced the copy of the said common judgment passed by the Division Bench, where the learned



Judges have held as follows:

“3.The learned Single Judge after making reliance upon the earlier order passed, covering the very same issue, was pleased to dismiss the writ petitions. Challenging the same, the present writ appeals have been filed.

4.Mr. K.Duraisami, learned Senior Counsel appearing for the appellants submitted that as both the Colleges and Schools are imparting education, the exclusion of Colleges is bad in law. A College will have to be construed as a School and by doing so, the respondent will have to be directed to extend the benefits which has been given to the Schools. Similar issue is pending consideration before the Division Bench. Therefore, the writ appeals will have to be entertained.

5.We do not find any reason to entertain the writ appeals. The notification is very clear. When there is no ambiguity in the words/terms used by an authority, then the Court of law shall not venture to interpret the same in a different way. Admittedly, a School is different from a College. A School Student is also different from a College Student. The notification is only a concession given to the School Students. The appellant cannot seek the same as a matter of right. The power of judicial review in such matters is very limited. The learned Single Judge, has taken note of the law governing the issues raised, while passing the impugned order and we find no infirmity in the impugned order. We are, also of the view that the mere pendency of the writ appeal cannot be a ground to entertain a subsequent one.

6. In the result, we do not find any merit. The appeal is dismissed. No costs. The connected miscellaneous petitions are also dismissed.”

5. Therefore it has become clear that, a Coordinate Bench



already considered the issue and given a quietus rejecting or repelling the grounds raised by the similarly placed writ appellants in the said batch of cases, therefore this batch of cases also have to face the same fate, accordingly all these appeals have to fail including the writ petitions. Therefore, these writ appeals and writ petitions are deserved to be dismissed accordingly are dismissed. However there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.”

3. In view of the ratio laid down by the Division Bench of this Court in W.A.Nos.50 to 58 of 2013 etc., Batch dated 18.01.2024, notification issued by the first respondent in S.O.1178(E) dated 08.05.2009 does not warrant any interference by this Court and the same is hereby confirmed.

4. In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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KRISHNAN RAMASAMY J.

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To:

1. The Secretary,
Department of Road Transport and Highways,
Ministry of Shipping, Road Transport and
Highways, New Delhi.
2. The Chairman,
National Highways Authority of
India, G5 & 6, Sector-10, Dwarka,
New Delhi-110 075.
3. The Project Director,
National Highways Authority of India,
212-3/ D3-1, Sri Nagar Colony,
Narasothipatti, Salem-636 004
4. M.V.R.Infrastructure and
Tollways Pvt. Ltd, M.V.R.Toll Plaza,
Kottagoundampatty, Omalur Taluk,
Salem District-636 011
5. Kumarapalayam Tollways Ltd,
Kambuliyampatti Village, Vijayamangalam
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