

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 28313 of 2015 (L)

PETITIONER:

**M.G.PRADEEP KUMAR,
AGED 47 YEARS
S/O.M.K.GOPALAKRISHNAN NAIR,
'KRISHNA',
SANYASI PARAMBU
OLAVAKKODE,
PALAKKAD.**

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
DEPARTMENT OF TRANSPORT,
THIRUVANANTHAPURAM 695 001.**
- 2. LICENSING AUTHORITY
MOTOR VEHICLES DEPARTMENT,
PALAKKAD 678 001.**
- 3. APPU
MOTOR VEHICLES INSPECTOR,
PALAKKAD 678 001.**
- 4. REENA
D/O.P.T.PRABHAKARAN,
PULIKKAL HOUSE, POOCHIRA
PUDUPPARIYARAM,
PALAKKAD 678 731.**

**R1 & R2 BY GOVERNMENT PLEADER SMT. SANJEETHA K.A.
R4 BY ADV.SRI.BASANT BALAJI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 28313 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE DRIVING LICENCE NO.9/4/2011 DATED 7.4.2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**
- EXHIBIT P2. COPY OF THE EXPLANATION DATED 10.09.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT 13 & 14.**
- EXHIBIT P3. COPY OF THE ORDER NO.12/MDS SUSPENSION 10/2015/P DATED 16.9.15 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**
- EXHIBIT P4. COPY OF THE CERTIFICATE OF PARTICIPATION ISSUED BY THE 2ND RESPONDENT TO ONE MURUKAN R.**
- EXHIBIT P5. COPY OF THE CIRCULAR NO.27/2013 DATED 15.11.13.**

RESPONDENT(S)' EXHIBITS:-

- EXT. R4(a): COPY OF THE COMPLAINT DATED 19.08.2015 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE REGIONAL TRANSPORT OFFICER, PALAKKAD**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 28313 OF 2015

Dated this the 30th day of September, 2015

JUDGMENT

Ext. P3 order suspending the motor driving school license of the petitioner is impugned. Allegations of misbehaviour against one instructor by name Murugan is made. Ext. P3 order is very much appealable.

2. An appeal lies under Rule 29 of the Central Motor Vehicles Rules. Any appeal filed within three weeks from today shall be dealt with within six weeks therefrom. The petitioner as well as respondents three and four shall be heard.

3. The petitioner asserts that the instructor - Murugan - has already been placed under suspension. His suspension shall continue till the statutory appeal is over. The suspension of the motor driving school license shall remain stayed pending appeal. It is clarified that the petitioner can present the students for driving license

pending the culmination of statutory appeal. The petitioner will lose this benefit if no appeal is filed within the time stipulated.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS