

***Shivalik Institute of Nursing Vs. State of H.P. a/w
connected matters***

**CWP No.11377 of 2025 a/w CWP
Nos.20070, 20934, 20936 &
20937 of 2025 and CWP Nos.1680,
1697, 1819, 2704, 2950, 2982,
5716, 5998 & 6015 of 2026**

CWP No.11377 of 2025 & CWP No.5998 of 2026

18.05.2026 *Present:* Mr. Nitin Thakur, Advocate, for the petitioner.

Mr. Ramakant Sharma, Additional Advocate
General, for the respondents- State.

CWP No.20070 of 2025 & CWP No.6015 of 2026

Mr. Amrit, Advocate vice Mr. Mohit Thakur,
Advocate, for the petitioner.

Mr. Ramakant Sharma, Additional Advocate
General, for the respondents- State.

CWP Nos.20934, 20936 & 20937 of 2025

Mr. P.K. Verma, Advocate, vice Mr. K.B. Khajuria,
Advocate, for the petitioners.

Mr. Ramakant Sharma, Additional Advocate
General, for the respondents- State.

**CWP Nos.1680, 1819, 2704, 2950, 2982 & 1697
of 2026**

Mr. Vijender Katoch, Advocate, for the petitioners.

Mr. Ramakant Sharma, Additional Advocate
General, for the respondents- State.

CWP No.5716 of 2026

Mr. Gaurav Thakur, Advocate, vice Mr. Rajesh
Kumar Parmar, Advocate, for the petitioner.

Mr. Ramakant Sharma, Additional Advocate
General, for the respondents- State.

CWP No.11377 of 2025 a/w CWP Nos.20070, 20934, 20936 & 20937 of 2025 and CWP Nos.1680, 1697, 1819, 2704, 2950, 2982, 5716, 5998 & 6015 of 2026

Learned Additional Advocate General has placed on record instructions with respect to process of insertion of Rule 73-A of the Himachal Pradesh Motor Vehicles Rules, 1999, from initiation of the process till final notification of the amendment inserting Rule 73-A (supra) in the Rules, 1999.

To substantiate the imposition of the condition of 15 years' age on the vehicles to be used in schools, learned Additional Advocate General has placed reliance upon the judgment passed in WPC No. 3191 of 2022, titled as *Ghanshyam Das Vs. Union of India & Ors.* by the Full Bench of the Madhya Pradesh High Court.

Perusal of aforesaid judgment indicates that Full Bench of Madhya Pradesh High Court had answered the reference made in some writ petitions, filed by various petitioners, assailing the condition prescribing 12 years' maximum age of the vehicles to be used for transportation of school children/students.

The matter was referred to the Full Bench to answer the question regarding competency of the rule making power of the State. The said question was answered

by the Full Bench of the Madhya Pradesh High Court with the observation that the State Government was competent to frame the Rules under challenge and, thereafter, the matters were directed to be listed before the Bench having the Roster.

In the present case, we have not yet doubted the competency of the State's rule framing power and the issue involved is whether the condition prescribing 15 years' maximum age of the vehicle incorporated in the Rules is rational, reasonable, valid and constitutional or not.

Faced with the aforesaid situation, learned Additional Advocate General prays for further time to address the arguments.

At his request, list for continuation on 25.05.2026.

**CMP No.8562 of 2026 in CWP No.5998 of 2026
CMP No.8130 of 2026 in CWP No.5716 of 2026
CMP No.8586 of 2026 in CWP No.6015 of 2026**

List for consideration along with main petitions on next date.

**(Vivek Singh Thakur)
Judge**

**(Ranjan Sharma)
Judge**

18th May, 2026
(Shamsh Tabrez)