

Shivalik Institute of Nursing vs. State of H.P. & Anr.

CWP No.11377 of 2025

29.10.2025 Present : Mr. Nitin Thakur, Advocate, for the petitioner.

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

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Rejoinder filed on behalf of the petitioner is on record.

Learned Additional Advocate General seeks three days' time to file sur-rejoinder thereto. Time, as prayed, is granted.

List for consideration on **06.11.2025**.

CMP No.25783 of 2025

This application has been filed on behalf of the petitioner seeking interim relief directing the respondents to allow the petitioner to ply bus bearing Registration No.HP-62A-0723 on road which is 15 years old.

Learned Additional Advocate General submits that in sur-rejoinder proposed to be filed, it has been specifically stated that no coercive action has yet been taken against the petitioner and, therefore, he has opposed the grant of interim relief to the petitioner.

Learned counsel for the petitioner submits that the condition, not to ply buses of more than 15 years of age with respect to schools/present petitioner, is stated to have been imposed keeping in view the safety of the children/students. However, as specifically stated in the rejoinder, there are number of buses/private buses which are being permitted to ply even after completing 20–25 years of age. An example of a bus being plied, which is 20 years old, has also been referred to in the rejoinder.

It has been submitted that safety concern with respect to the students as well as passengers cannot be on different parameters and in case passengers travelling in 20 years old bus are safe, then there is no reason to construe that students travelling in 15 years old bus would be unsafe.

On the aforesaid facts, *prima facie*, a case is made out for granting an interim relief in favour of the petitioner. Accordingly, the respondents are directed to permit the petitioner to ply the bus bearing Registration No.HP-62A-0723 to transport the students, but subject to completion of all other formalities and conditions, except the age of vehicle. Completion of all formalities and conditions be done within three days positively.

The interim order shall continue till pendency of the petition, subject to alteration, vacation and modification in future.

Reply to the application, if any, be filed within one weeks.

List for consideration along with main petition.

(Vivek Singh Thakur)
Judge

(Romesh Verma)
Judge

29th October, 2025
(Pardeep)