



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 9145 OF 2026 (MV)

BETWEEN:

BHUVANA JYOTHI RESIDENTIAL SCHOOL
A UNIT OF BHUVANA JYOTHI
EDUCATION TRUST (REGD.),
ABHINANDAN, SHIRTHADY POST-574 236,
MOODABIDRE TALUK,
DAKSHINA KANNADA DISTRICT,
REPRESENTED BY ITS
PRINCIPAL AND SECRETARY,
RONALD PRASHANTH D'SOUZA,
S/O RICHARD D'SOUZA,
AGED ABOUT 50 YEARS.

...PETITIONER

(BY SRI. THIRUMALESHWARA BHAT K. S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY CHIEF SECRETARY,
VIDHANA SOUDHA,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU-560 001.
2. THE PRINCIPAL SECRETARY
DEPARTMENT OF TRANSPORT,
M.S. BUILDING,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU – 560 001.
3. THE REGIONAL TRANSPORT OFFICER
REGIONAL TRANSPORT OFFICE,
MANGALURU (KA-19)





DAKSHINA KANNADA DISTRICT-575 001.

4. THE DEPUTY COMMISSIONER
OF TRANSPORT AND SENIOR REGIONAL
TRANSPORT OFFICER, MANGALURU,
DAKSHINA KANNADA DISTRICT – 575 001.

...RESPONDENTS

(BY SRI. MANJUNATH RAYAPPA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 20.02.2026 BEARING NO.KA19C-9952/2025-26 ISSUED BY RESPONDENT NO.3 IN RESPECT OF VEHICLE BEARING REG.NO.KA 19 C 9952 (ANNEXURE-E) AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

The petitioner has approached the Court seeking for the following reliefs:

- "a) *Quash the impugned endorsement dated 20.02.2026 bearing No.KA19C-9952/2025-26 issued by Respondent No.3 in respect of vehicle bearing Reg.No.KA 19 C 9952 (Annexure-E).*
- b) *Issue a Writ of Mandamus directing the Respondents to physically inspect the vehicle*



bearing Reg. No.KA 19 C 9952 for mechanical fitness and consequently renew the Fitness Certificate and Permit without using the 15-year age limit or the RTA resolution dated 04.12.2020 as a ground for rejection.

- c) *Pass any such other orders as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity."*

2. Heard learned counsel for the petitioner and learned AGA for the respondents.

3. Learned counsel for the petitioner drawing the attention of this Court to the decision of the Co-ordinate Bench of this Court in the case of **Smt. Sharadamma Vs. The State of Karnataka and Others¹ (Sharadamma)** submits that similarly placed petitioners had approached this Court and this Court allowed the Writ Petitions holding that the State is not empowered to impose a restriction that vehicles completing 15 years cannot be permitted to operate or be granted permits unless such restriction is

¹ W.P. No.21991/2019 & connected WPs D.D. 28.08.2019



provided by law. At para No.22, (i) and (ii) has held as under:

"22. Contention of the petitioners that State is not empowered to issue circular and so also impose conditions that fifteen years old vehicles are not permitted to issue permit route and it can be replaced by later model vehicle is hereby accepted.

RESULT

(i) In view of the above analysis on both factual and legal aspects circular dated 14.2.2019 and consequential endorsements dated 7.3.2019 and dated 24.5.2019 (Annexures J and J1 in WP No.21991/2019), both endorsements dated 21.3.2019 (Annexures-E and F in WP Nos.18343-18344/2019) and both endorsement dated 18.6.2019 (Annexures-K and L in WP Nos.28150 – 28151/2019 are set aside.

(ii) Respondents/State is permitted to frame appropriate Rules if it is warranted while invoking Sub-Section 2 of Section 72 of the Act, 1988 read with the decision of the Supreme Court in the case of K M Ismeth Ummar –vs- Regional Transport Authority (supra), but issuance of circular dated:



14.02.2019 is without source of power. Supreme Court in the case of Captain Sube Singh -vs- Lt. Governor of Delhi reported in (2004) 6 SCC 440 held as under:

"29. In Anjum M.H. Ghaswala [CIT v. Anjum M.H. Ghaswala, (2002) 1 SCC 633] a Constitution Bench of this Court reaffirmed the general rule that when a statute vests certain power in an authority to be exercised in a particular manner then the said authority has to exercise it only in the manner provided in the statute itself. (See also in this connection Dhanajaya Reddy v. State of Karnataka [(2001) 4 SCC 9 : 2001 SCC (Cri) 652] .) The statute in question requires the authority to act in accordance with the rules for variation of the conditions attached to the permit. In our view, it is not permissible to the State Government to purport to alter these conditions by issuing a notification under Section 67(1)(d) read with sub-clause (i) thereof."

Writ petitions stand allowed in the above terms.

No order as to cost."

4. Learned counsel for the petitioner further submits that placing reliance on the decision in **Sharadamma**, the another Co-ordinate Bench of this



Court in the case of ***The Maratha Mandal English Medium School Vs. The State of Karnataka and Others²*** (*The Maratha Mandal English Medium School*), has allowed a similar writ petition and directed consideration of renewal fitness certificates of vehicles which had crossed 15 years.

5. The petitioner also places on record that pursuant to the orders passed by this Court in ***The Maratha Mandal English Medium School***, the Transport authorities had granted renewal of Fitness Certificate for the vehicles of that institution. Hence, the petitioner being similarly placed is also entitled to the same relief.

6. Learned AGA for the State submits that the renewal of the Fitness Certificate of the petitioner's transportation buses would be considered in accordance with law and in view of the judgment, which are being placed reliance by the petitioner.

² WP No.108149/2025 D.D 25.11.2025



7. This Court has carefully considered the rival submissions and perused the material on record.

8. The issue raised by the petitioner stands covered by the decisions of the Co-ordinate benches of this Court in ***Sharadamma and The Maratha Mandal English Medium School.***

9. In the said decisions, this Court held that the State cannot impose restrictions on operation or renewal of permits for vehicles solely on the ground that the vehicle had completed 15 years unless such restriction follows from statutory provisions. It is also observed that the Transport Authorities must act strictly within the framework of the Motor Vehicles Act and the Rules framed thereunder.

10. Since the petitioner is similarly placed and seeks only permission to transport the buses to the testing station and for consideration of renewal of fitness certificates in accordance with law, the grievance of the



petitioner would be adequately addressed if appropriate directions are issued to the authorities to consider the request in view of the aforesaid decisions. Accordingly, this Court pass the following:

ORDER

- (i) The Writ Petition is ***disposed of.***
- (ii) Respondent No.3-Regional Transport Authority is directed to consider the renewal of the petitioner's Fitness Certificate in respect of the bus bearing Registration No.KA19C-9952 in terms of the order passed in ***Sharadamma*** (Annexure-F) and ***The Maratha Mandal English Medium School*** (Annexure-H) and pass appropriate orders within 4 (four) weeks from the date of receipt of the copy of this order.

Sd/-

JUSTICE K.S. HEMALEKHA

AT
List No.: 1 Sl No.: 39