



2026:AHC-LKO:26735-DB

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW

WRIT - A No. - 6861 of 2024

Sameer Agarwal

.....Petitioner (s)

Versus

State Of U.P. Thru. Prin. Secy.Transport
Lko. And 3 Others

.....Respondents(s)

Counsel for Petitioner(s) : Alok Saxena

Counsel for Respondent(s) : C. S. C .

Court No. – 3

HON'BLE SHEKHAR B. SARAF, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Sri Alok Saxena, learned counsel for the petitioner and Sri Ratnesh Singh Tomar, learned counsel for the State- respondents. Rejoinder affidavit filed today by the learned counsel for the petitioner is taken on record. Exchange of the pleading between the parties are complete. With the consent of learned counsel for the parties, the matter is taken for final disposal.

2. This is a writ petition under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the

respondent-authorities in not granting him a contract carriage permit under Section 74 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act, 1988") for carrying school children of Factory's Employees of Avadh Sugar and Energy Ltd. to the ONGC Community School, Village Paintala, District- Sitapur.

3. The case of the petitioner is that the petitioner has a bus with an All U.P. Contract Carriage Permit and he has entered an agreement with the Factory, namely, Avadh Sugar and Energy Ltd. (hereinafter referred to as the "Factory") by virtue of which the petitioner has got permission to carry the children of the Factory's Employees to the ONGC Community School.

4. In support of his submission, Sri Alok Saxena, learned counsel for the petitioner has relied on Section 2 (7) and Section 74 of the Act, 1988 . He further relied on Rule 222-A, 222-B and 222-L of the U.P. Motor Vehicles Rules, 1998 (hereinafter referred to as "the Rules, 1998") to submit that the Regional Transport Authority is required to grant a contract carriage permit to him for carrying school children as provided in Section 74 of the Act, 1988 read with Rules 222-B of the Rules, 1998.

5. Sri Saxena has further articulated that sub rule -1 of Rule 222-B of the Rules, 1998 allows for educational institutions to run buses and permits to be issued by the competent authority to such buses. He submits that sub-rule-2 allows for a owner of a private bus, who has written agreement with school authorities to apply for such permit. He further relied on sub rule-3 of Rule 222-B of the Rules, 1998 to indicate that owner of the school vans, who are having an agreement with guardian or a group of guardians for transporting school children are also permitted to get the carriage permit for plying school children.

6. Learned counsel for the petitioner fairly submitted that with regard to an owner of a private bus the Rules are silent on the aspect as to whether such owner may get a permit or not, if he has an agreement with the guardians for transporting school children. According to the learned

counsel, this gap would not act as a bar for issuing permit to the private buses, who are having agreement with the guardians and/or their employers, which is the present case.

7. Per contra, Sri Ratnesh Singh Tomar, learned counsel appearing for the State submits that Chapter IX-A of the Rules, 1998 was added in the Rules specifically in the year, 2018 and came into effect from 17th of December of 2018 with respect to special provisions for school vehicles. The insertion of the entire Chapter IX-A also contains Rules 222-B and 222-L to ensure the safety and security of the children, who are going to school. He further submits that the petitioner has not challenged the vires of the said Rules and accordingly, the Rules as it is today are required to be followed for all intents and purposes. On the aspect of permission granted to school vans, who are having permission with the guardians, he submits that the rationale therein is different from that granting a permit to an owner of a private bus.

8. Upon hearing learned counsel for both the parties, it is to be firstly noted by us that the vires of the Rules are not under challenge and the challenge is simply with regard to the absence of a provision for providing permits to the school buses that have an agreement with the guardians of children, who are attending schools. Learned counsel for the petitioner has argued that there is no real logic and/or difference with regard to permitting the owner of a private bus, who has an agreement with the school authorities, juxtaposed to permitting the owner of a private school bus, who has an agreement with the guardians of the children instead of the school-authorities. According to him, the purpose and objective being one and the same, that is carrying school children by bus, the petitioner bus should also be granted permit for carrying school children.

9. In our view, Section 74 of Act, 1988 that allows for the grant of contract carriage permit, specifically states that the Regional Transport Authority shall grant a contract carriage permit subject to any Rules that may be made under the Act. As far as grant of permit for carrying school

children are concerned, Rule 222-B of the Rules, 1998 as amended and inserted with effect from 22.05.2019 to U.P. Motor Vehicle Rules 1998, provides for the following:-

“222 B. Grant of permit for carrying school children- (1) An Educational institution bus shall have to obtain permit of private service vehicle under section 76 of the Act. The owner shall apply in Form SR-23A before Competent Authority and the authority may grant permit in accordance with application or with such modification as it deems fit or refuse to grant such permit. The permit shall be issued in Form SR-29A .

(2) An owner of a private bus, who has a written agreement with school authority shall apply before the Competent Authority under section 73 of the Act in Form SR21A and the authority may grant permit in accordance with application or with such modifications as it deems fit or refuse to grant such permit. The permit shall be issued in Form SR-27A.

(3) The owner of school van having an agreement with guardians or group of guardians for transporting the school children shall apply under section 73 before the Competent Authority in Form SR-21B along with copy of agreement duly forwarded by the school. The authority may grant permit in accordance with application or with such modifications as it deems fit or refuse to grant such permit. The permit shall be issued in Form SR-27B.

(4) Every school, before going to an agreement with a private operator, shall ensure: that;

(a) the vehicle complies all the norms prescribed in these rules and directions of the State Government from time to time.

(b) the character certificate of vehicle owner and driver is obtained.

(c) the agreement shall not be terminated before one year except in unavoidable circumstances.”

10. In the present case, the aforesaid Rules are unambiguous and a facial reading brings us to fore that these Rules allow such permits only to private buses having an agreement with the school authorities as per Rule 222-B (2) of the Rule, 1998. Learned counsel for the petitioner has argued that it makes no difference as to whether the agreement is with the school or with the guardian as eventually it is related to transportation of the children to school only. However, on a closer scrutiny of the Rules, we find that the said submission of the petitioner to be fallacious and an outcome of an erroneous reading of the Rules for a simple reason that Rule 222-B (2) has to be read along with Rule 222-

B (4), which prescribes certain condition precedent for the school authorities before they could enter into an agreement with an owner of a private bus. The said prescriptions enjoins upon the school-authorities with certain responsibilities as mentioned and enumerated in Rule 222-B (4) (a) to Rule 222-B (4) (c), which prima facie appears to this Court to be in the nature of ensuring the safety and mandatory prior compliance of the school buses, its owner and driver before they can be put to service of carrying school children. This Rule also ensures that the school buses' service is not disrupted abruptly during the mid-sessions, which may cause inconvenience to the children.

11. Unfortunately, we are not able to find any such mechanism of following strict safety norms as mentioned herein-above as a condition precedent in the case of an agreement with the parents or their employers. Neither the learned counsel was able to point out any such similar provision under the Rules nor has relied on any document which could come to the rescue of the petitioner. According to this Court, there appears to be a rationale nexus as to why agreement with guardians have not been allowed under the Rules, inasmuch as, it is the school-authorities, who is and are made responsible for the safety of school children as per the Rules. The individual guardian or their employers cannot be bestowed with such collective responsibility of these school children. In any case, the safety of the school going children cannot be tweaked by expanding the zone of consideration for such school buses, who do not have any agreement with the school-authorities as mandated under Rule 222 (2) of the Rules, 1998.

12. As far as the second contention of learned counsel for the petitioner that the petitioner is ready and willing to comply with Rule 222-L (General conditions for school vehicle permit), we find that the said Rule is condition subsequent for Rule 222-B. Once it is found that the petitioner is not in compliance of the Rule 222-B, this Court finds no substance in the said submission of the learned counsel for the petitioner and as such the same has been noted to be rejected.

13. Having said so, this Court is of the view that the safety of school children ought to be of paramount significance, which should be the driving force for not only the guardians or the school management but also for the statutory authorities under the Motor Vehicles Act and the Rules made therein for plying the school buses. According to this Court, the conditions as mentioned in the Rules are mandatory and ought to be strictly followed for the safety and welfare of the school going children.

14. In light of the same, we cannot find any fault on the part of the authorities in not granting a carriage permit for school children to the petitioner.

15. Accordingly, the writ petition is *dismissed*.

(Abdhesh Kumar Chaudhary,J.) (Shekhar B. Saraf,J.)

April 17, 2026

Anuj Singh