

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 24561 of 2015 (U)

PETITIONER:

**MICHAEL SAMSON, AGED 52 YEARS,
S/O.BERNARD JOSEPH, ALAYIDATHU HOUSE,
MANASSERI, MUNDAMVELI P.O, KOCHI.**

**BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY,
KERALA MOTOR VEHICLE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE REGIONAL TRANSPORT OFFICER,
OFFICE OF THE REGIONAL TRANSPORT OFFICE,
MOTOR VEHICLE DEPARTMENT, ERNAKULAM - 682 030.**
- 3. MOTOR VEHICLE INSPECTOR,
KAKKANAD, ERNAKULAM - 682 030.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 24561 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

P1 - TRUE COPY OF THE APPLICATION ALONG WITH THE NECESSARY DOCUMENTS.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 24561 of 2015

Dated this the 19th day of August, 2015.

JUDGMENT

The petitioner has approached this Court alleging that the respondents are not permitting the petitioner to participate in the driving test for licence.

2. The petitioner is a physically challenged person. The petitioner alleges that his right leg below knee was amputated consequent to an accident during the course of his employment. Though the petitioner obtained licence prior to the accident but the same expired due to the non renewal of the same. Therefore, the petitioner submitted another application to obtain driving licence. In response to the said application, the petitioner was required to submit fresh medical certificate from the Medical Board. Accordingly, the petitioner approached before the Medical Board and obtained a medical certificate and produced along with the application for driving test. However, the third respondent is not allowing the

petitioner to participate in the driving test without any cogent reason; it is alleged.

3. Heard the learned counsel for the petitioner and the learned Senior Government Pleader in the matter.

4. The learned Senior Government Pleader on instructions submitted that the petitioner was not permitted to participate in the test only on account of the fact that the petitioner could not appear on the date fixed and thereafter, the learner's licence issued to the petitioner is expired. It is also pointed out that the petitioner's application has not been rejected and the respondent has never stated that the medical certificate produced by the petitioner is insufficient.

In the light of the said submission, the petitioner is permitted to put his application for driving licence in order within a period of one month and in the event of rectifying the defect, the same shall be considered by the respondent within a period of one month thereafter.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.