

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.506 of 2015
Date of Decision.13.01.2015

Tahir Hussain

.....Petitioner

Versus

State of Haryana and others

.....Respondents

Present: Ms. Trishu Kanwar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? No
2. To be referred to the Reporters or not ? No
3. Whether the judgment should be reported in the Digest? No

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K. KANNAN J. (ORAL)

1. The petitioner seeks for a mandamus directing the 3rd respondent not to conduct a driving test again for a candidate who has obtained a certificate of driving from the petitioner's school. The petitioner would rely on the order passed by the Transport Commissioner which recognized the petitioner as competent to train and test the driving skills and a person who is issued with the certificate will not be required to undergo the driving test by the concerned licensing authority. The certificate issued by the petitioner will be supported with the driving training certificate issued by them in Form 5.

2. The petitioner's grievance is that after the petitioner issues a certificate in the requisite form, the 3rd respondent-Inspector of Police, Transport Department is also conducting test. I do not have any particular order issued by the 3rd respondent to suggest that he is doing any act which is at variance with the proceedings of the Transport

Commissioner issued to the Secretary, RTA and to all Sub Divisional Officers. I clarify that a mere test by an Inspector of Police of the Transport Department to assess the driving skills in any one situation cannot be a subject of challenge but if only 3rd respondent undertakes an appraisal which is at variance with the order of the Transport Commission issued on 12.10.2011, the petitioner will have a genuine grievance for redressal. I do not think that there is any cause of action to approach this Court. The petitioner will be at liberty to elicit any particular instance where the petitioner's own certificate issued to any person who had been trained and who had been certified by them to be faced with the situation of being denied the licence at the instance of the 3rd respondent. If such situation emerges, the petitioner could be taken to be aggrieved for a redressal.

3. The writ petition is disposed of finding that there is no cause of action but affirming all the same that the petitioner is competent to train and test the driving skills and issue the certificate in the manner contemplated under Annexure P-2.

(K. KANNAN)
JUDGE

January 13, 2015
Pankaj*