

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.14655 of 2016

and

WMP.Nos.12823 and 12824 of 2016

A.Arthanareeswaran
Prop: Guna Driving School
147/1, Kattur, Panchampalayam, Anthiyur Taluk,
Erode District. Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary,
Home (Transport - 5) Department,
Fort St. George, Chennai 600 009.

2.The Commissioner of Transport,
Chepauk, Chennai 600 005. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari to call for the order of the first respondent dated 05.08.2010 in G.O.Ms.No.697 Home (Transport - 5) Department and consequential order of the second respondent dated 17.06.2015 in R.No.22370/H1/2008 and to quash the same only insofar as it relates to the petitioner is concerned.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.A.Zakir Hussain

ORDER

The petitioner has come up with the present petition to issue a Writ of Certiorari to call for the order of the first respondent in G.O.Ms.No.697 Home (Transport - 5) Department dated 05.08.2010 and the consequential order of the second respondent in R.No.22370/H1/2008 dated 17.06.2015 and to quash the same, insofar as the petitioner is concerned.

2. It is the case of the petitioner that the second respondent by a letter dated 02.04.2008 addressed to the first respondent, recommended that the heavy vehicle drivers should have attended one day refresher course for renewal of their licence and the private driving school, Taramani driving school etc. could be recognised for giving certificate to such course and their certificates can be accepted for renewal of licence. Based on the said recommendations, the first respondent issued G.O.Ms.No.604 dated 26.05.2008, stating that the private heavy vehicle driving schools recognised by the Transport Commissioner alone should conduct the refresher course and should issue certificate to the heavy vehicle drivers for renewal of their license. Pursuant to the said G.O., the petitioner underwent training in IRTC, Gummidipoondi in the year 2008 to conduct one day refresher course to heavy vehicle drivers. Thereafter, he has been conducting one day refresher course to heavy vehicle drivers, who are applying for renewal of their license.

3. It is the further case of the petitioner that while so, the first respondent issued G.O.Ms.No.697 Home (Transport-5) Department dated 05.08.2010, whereby, the permission given to the driving schools to conduct one day refresher course, was taken away and it permitted three Road Transport Corporations in 21 places to conduct the one day refresher course. The said G.O.Ms.No.697 dated 05.08.2010 was challenged by way of batch of writ petitions in WP.No.19157/2010 etc. This Court has initially granted an order of interim stay till the disposal of the writ petitions. In view of the stay order, the petitioner continued to impart one day refresher course. Finally, on 27.06.2011, this Court disposed of the said writ petitions by directing the first respondent to re-consider the conditions imposed in G.O.Ms.No.697, if the petitioners give their representations and till such time, the first respondent was directed not to implement the said G.O. Pursuant to the same, instead of giving individual representation by each driving schools, the Association of Driving Schools met the first respondent on 11.07.2011 and gave a common representation, allowing them to continue to impart one day refresher course. However, the same was not considered by the first respondent. Be that as it may, the second respondent by a Circular bearing No.15/2015 dated 17.06.2015, directed all the Regional Transport Officers in the State to implement G.O.Ms.No.697 by not permitting the driving school owners to conduct one day refresher course, since no representation has been received within the stipulated time fixed by this Court. Hence, the petitioner is constrained to approach this Court with the present writ petition for the above stated relief.

4. When the writ petition came up for consideration, learned counsel for the petitioner has drawn the attention of this court to the order dated 26.02.2016 made in WP.No.7143 of 2016, which was filed for the very same relief by one S.Shanmugam, who is an aggrieved person like that of the petitioner herein.

5. In the said order, this Court, following the earlier orders passed in the writ petitions in WP.Nos.30630 to 30632 of 2015 dated 29.09.2015, disposed of the writ petition by directing the petitioner therein to submit a representation to the respondents within a period of two weeks from the date of receipt of a copy of that order and on receipt of such representation, the same shall be considered and necessary orders be passed by the respondents, within a period of four weeks thereafter. Till such time, this court directed the parties to maintain status quo.

6. In the light of the aforesaid order, the present writ petition is disposed of, by directing the petitioner to submit a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents are directed to consider the same and pass appropriate orders, within a period of four weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law. Till such time, the parties are directed to maintain status quo as on today. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary,
Home (Transport - 5) Department,
Fort St. George,
Chennai 600 009.

2.The Commissioner of Transport,
Chepauk, Chennai 600 005.

+1cc to Mr.K.Hariharan Associates, Advocate, S.R.No.24661
+1cc to the Government Pleader, S.R.No.24934

W.P.No.14655 of 2016

vs (CO)
srg (26/04/2016)



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