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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5979/2016 & C.M.No.24630/2016

ALL DELHI MOTOR DRIVING TRAINING SCHOOL
ASSOCIATION

..... Petitioner

Through Mr.N.S.Dalal, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through Ms.Prabhasahay Kaur, ASC for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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15.07.2016

Present writ petition has been filed challenging the alleged oral instructions issued by respondent No.3 wherein he is stated to have put a cap of thirteen trainee certificates to be issued per month by the Motor Driving Training Schools irrespective of the number of vehicles owned by them and the number of instructors employed by them. Petitioner also prays for a direction to the respondents to accept the training certificates issued by members of petitioner-association.

Learned counsel for the petitioner states that the impugned restriction is causing immense hardship to the members of the petitioner-association and is not in conformity with the provisions of the Motor Vehicles Act, 1988 and the Central Motor Vehicle Rules, 1989.

Learned counsel for the respondent-GNCTD states that the action is being taken only in accordance with the circular dated 9th

February, 2016 issued in pursuance to the guidelines dated 6th August, 2015. The circular dated 9th February, 2016 is reproduced hereinbelow:-

“As per Para G (h) of the revised guidelines for granting license to a new/renewal of MDTs dated 06/08/2015, wherein it has been mandated that no institution shall exceed in upper ceiling limit as to the number of candidates to be trained by an instructor in a month as detailed below:-

i)	<i>Non-Transport Vehicle single class i.e., motor cycle or LMV (Rule 31 (2) of Central Motor Vehicles Rules 1989)</i>	<i>20 candidates per month</i>
ii)	<i>Transport vehicle (Rule 31 (4) of Central Motor Vehicles Rules 1989)</i>	<i>13 candidates per month</i>

It is therefore directed to prepare a software/module to keep a check on number of candidates to be trained by an instructor in a month as per above table and also only the same number of Form-5 etc. could be accepted by all zonal authorities.”

Prima facie it seems to this Court that by virtue of the circular dated 9th February, 2016, thirteen trainee certificates can be issued per month by each instructor provided one vehicle is available to each instructor employed by the Motor Driving Training Schools.

At this stage, learned counsel for the respondent-GNCTD states that the petitioner’s representation dated 3rd June, 2016 is at an advance stage of consideration and the same shall be disposed of within a period of two weeks. She also assures this Court that the *prima facie* view of the Court shall be taken into account while passing the order.

Consequently, the present writ petition and the application are disposed of with a direction to decide the petitioner’s representation

dated 3rd June, 2016 in accordance with law and after taking into account the *prima facie* view expressed by this Court.

Order *dasti*.

MANMOHAN, J

JULY 15, 2016

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