

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1834 of 2015

In

Miscellaneous Jurisdiction Case No. 526 of 2014

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Bipin Chandra Sharma, Son of Late Shyamdeo Sharma, resident of village
- Raghunathpur, P.S. - Paliganj, District - Patna.

.... Appellant

Versus

1. The Union of India.
2. Shri K.N. Shrivastava, Son of not known, the Secretary Ministry of
Circle Aviation, Govt. of India, New Delhi.
3. Shri Arun Mishra, Son of not known Director General, Civil Aviation
Opposite Safdarganj, New Delhi - 110003.
4. Shri A.K. Sharma, son of not known Joint Director, General and
Appellate Authority, Opposite Safdarganj Airport, New Delhi - 110003.

.... Respondents

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Appearance :

For the Appellant : Mr. Jitendra Pandey, Advocate.

For the Respondents : Mr. Sanjay Kumar, A.S.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 18-04-2017 Petitioner's license for Flying and Aircrafts lapsed in

the year 1986. Even though, the petitioner filed an application for
renewal in time but when the renewal was not made, he
approached the Court after more than a period of fourteen years
and taking note of the aforesaid, this Court dismissed the writ
petition and M.J.C. No. 526 of 2014 by making following
observations respectively:

“Having heard learned counsel for the
petitioner and learned counsel for the



Union of India, the Court comes to a considered opinion that respondents have taken a hyper technical view of the prayer of the petitioner for renewal of his commercial pilot licence, which gives an impression that the authorities had passed the order in a mechanical fashion.

Writ application is allowed.
Annexure-1 is quashed.

Matter is remanded back to the Director General of Civil Aviation to take a fresh decision on the question of renewal of commercial pilot licence to the petitioner which should be done within a period of eight weeks from the date of communication/production of a copy of this order.”

“The Court is satisfied with the reasons so indicated in the show-cause, contained in Annexure-A. Under the circumstances noted as well as requirements, which are mandatory in nature, not having been fulfilled, the Court cannot give a direction for renewal of a license, issued as far as back as in the year 1986, because flying is a serious business and strict up-to-date maintenance of skills, passing of air



regulation examination as well as
regular flying are integral part thereto.”

In view of the aforesaid reasons, we see no reason to
make any indulgence into the matter. The appeal stands disposed
of. The petitioner may rake up the issue with the Director General
of Civil Aviation as directed by the Writ Court.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

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