

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.18 of 2017

IN

Civil Writ Jurisdiction Case No. 13922 of 2016

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Rajesh Kumar Agrawal, Son of Sri Radha Raman Agrawal Proprietor of Vishwakarma Service (Fitness Testing Centre), At and P.O. NH - 31, District - Begusarai

.... Petitioner/Petitioner

Versus

1. The State of Bihar through the Principal Secretary to the Govt. Department of Transport, Patna
2. The Principal Secretary Department of Transport of Transport, Govt. of Bihar, Patna
3. The State Transport Commissioner, Govt. of Bihar, Patna
4. The Joint Secretary, Department of Transport, Govt. of Bihar, Patna
5. The Regional Transport Authority, Munger

.... Respondents/Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv.
Mr. Mohit Agarwal, Adv.
Mr. Atul Bihari Pandey, Adv.

For the Respondent/s : Mr. Ajay Kumar Rastogi (AAG X)
Ms. Smriti Singh, AC to AAG-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the parties.

The petitioner has filed this review application for reviewing the order dated 24.10.2016 passed in C.W.J.C. No. 13922 of 2016.

The petitioner was authorized to run the Fitness Testing Centers in terms of the Motor Vehicle Act, 1988 for the period from 31.12.2009 to 30.12.2014 and, thereafter, the petitioner filed an application for renewal of the license which remained pending, in the



meantime, the Government has come with a scheme that all such activities will be done by the government agency.

Learned counsel for the petitioner submits that the petitioner had filed an application for renewal much earlier but, the respondents have not done anything but by that time, on account of laches on the part of the State, renewal could not be done and the Court has committed a error of record in recording that the Regional Transport Authority had remained non-functional throughout the year and, as such, this Court should review the order and the case should be heard afresh but, in the last part, the Court has recorded as follows:-

“Moreover, considering the fact that the policy decision has been taken not to authorize private testing centers, it cannot be said that any person has such right to continue such centers. The exception has been made only for those whose Letter of Authority was still valid and they were running their centers. Once the period of licence of such private center comes to a close, such private testing center also do not have any right to renewal. In the said scenario there cannot be any occasion for the respondents to have allowed the petitioner to continue with the private testing center by renewing the Letter of Authority contrary to the policy decision.

In the light of the aforesaid discussions the writ application is found to be devoid of any merit. It is, accordingly, dismissed.”

Admittedly, as per policy, the government agency has



been authorized to run the testing center.

This Court does not find any apparent error in the order dated 24.10.2016 passed in C.W.J.C. No. 13922 of 2016. This review application is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

