

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22048 of 2014

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Hari Shankar Singh, son of Sri Narayan Singh, resident of village - Budh Kara, P.S.
- Katra, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Transport, Govt. of Bihar, Patna.
3. State Transport Commissioner, Bihar.
4. All Joint State Transport Commissioners-cum-Secretary, Regional Transport Authorities, Bihar.
5. All District Transport Officer of the State of Bihar.
6. All Motor Vehicles Inspectors of the State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Sharma, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, A.A.G

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-04-2017

This petition has been filed in public interest and the prayer made is to command the respondents by a mandamus to follow the provisions of the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989.

2. In the matter of testing of vehicles, issuing Fitness Certificate and preventing pollution which, according to the petitioner, is the cause for increase in the road accident, various averments are made in the writ petition to say that the provisions of Sections, 39, 56, 59 and 60 of the Motor Vehicles Act and Rule 62(1)



of the Central Motor Vehicle Rules in the matter of issuing Fitness Certificate are not being followed.

3. On notice being issued, affidavits and supplementary affidavits have been filed by the State Government and in Paragraphs 4, 5 6 and 7, the following assertions are made by the respondents in the return:-

“4. That it is submitted that Section 56 of the Motor Vehicle Act, 1988 stipulates that a transport vehicle shall not be deemed to be validly registered for the purpose of section 39, unless it carries a certificate of fitness in such form containing such particulars and information as may be prescribed by the Central Government, issued by the prescribed authority or an authorized testing station. The Central Government has prescribed the validity of certificate of fitness under rule of 62 of Central Motor Vehicle Rules, 1989, which also provides a Performa which has to be checked and verified before issuance of renewal certificate. From perusal of Performa/table specified under Rule, 1989 appended as Annexure-1 to the writ application, that except for exhaust emission of pollution under control test, no specific equipment are required which is evident from the following table. It is needless to say that there are altogether 265 or more pollution testing centers in the State of Bihar and about 80 and more in the district of Patna, wherein after proper test, pollution under control certificate or emission test certificates are being



issued.

5. That it is submitted that at the time of issuance of the fitness certificate following tests are required as prescribed under the table/Performa.

Sl. No.	Item
1	Spark plug/suppress or Cap/High Tension Cable
2	Head Lamp Beams
3	Other Lights
4	Reflector
5	Bulbs
6	Rear View mirror
7	Safety Glass
8	Horn
9	Silencer
10	Dash Board Equipment
11	Wind Shield wiper
12	Exhaust emission
13	Braking System
14	Speedometer
15	Steering gear

6. That it is pertinent to state here that the test which is required in respect of emission from the transport vehicles is being done by the authorized pollutions testing center and for the purpose of exhaust emission test the pollutions under control certificate is issued by the pollution control testing station or authorized pollution testing center by the state government.

7. That it is stated that the safety and security of the people at large from all the concern are prime concern of the department and it cannot be kept at peril in any circumstances. The answering respondents are taking all the steps/actions in implementing the rules



regulations and the instruction in the matter of issuance of fitness certificate.”

4. Even though, petitioner by filing a reply to the supplementary counter affidavit has tried to refute the aforesaid, we find that as the respondents have taken adequate steps in the matter, as is indicated hereinabove, for the present, no further indulgence into the matter is called for. In case the petitioner has any grievance still subsisting in the matter, he may take it up with the competent authorities of the State Government who are directed to look into the grievance of the petitioner and take such steps as are permissible under law for ventilating the same.

5. With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	03.05.2017
Transmission Date	

