

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.02.2017

Coram

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

W.P.No.2613 of 2017

New Sampathraj Driving School,
rep. by its Proprietor P.Ravisankar,
No.164/A.3, Indira Nagar (West),
Vengikkal,
Thiruvannamalai. ... Petitioner

vs.

1. The Commissioner of Transport,
Chepauk, Chennai-5.
2. The Licensing Authority-cum-
Regional Transport Officer,
Thiruvannamalai. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records relating to the records of respondent No.2 dated 16.11.2016, in Na.Ka.No.A6/45658/2016, and quash the same and consequently, direct the respondents to permit the petitioner's Driving School Heavy Vehicle Inspector, V.Gurusamy, to conduct the One day Skill Development Refresher Course by making necessary Endorsement in the Licence of the petitioner Driving School, within a stipulated period.

For Petitioner : Mr.K.Selvaraj

For Respondents: Mr.Akhil Akbar Ali,
Government Advocate

ORDER

1. The prayer made in the writ petition is as follows :

"..... to issue a Writ of Certiorarified Mandamus, calling for the records relating to the records of respondent No.2 dated 16.11.2016, in Na.Ka.No.A6/45658/2016, and quash the same and consequently, direct the respondents to permit the petitioner's Driving School Heavy Vehicle Inspector, V.Gurusamy, to conduct the One day Skill Development Refresher Course by making necessary Endorsement in the Licence of the

Petitioner Driving School, within a stipulated period."

2. I had issued notice in the captioned writ petition on 03.02.2017, when the following was recorded by me :

"1. Issue notice. Mr.R.Venkatesh, accepts notice on behalf of the respondents.

2. Learned counsel says that he will revert with instructions in the matter.

3. To be noted, the petitioner is aggrieved by the order dated 16.11.2016, passed by the second respondent, whereby, his application for bringing on board a new instructor, on the ground that the earlier instructor had died, has been rejected.

3.1. In the impugned order, reference has been made to G.O.Ms.No.604 dated 26.05.2008 and G.O.Ms.NO.697 dated 05.08.2010 and the order dated 09.07.2015, passed in W.P.Nos.20467 to 20471 of 2015.

4. I am prima facie of the view that the respondent has misconstrued the provision of G.O.Ms.No.604 dated 26.05.2008 and G.O.Ms.NO.697 dated 05.08.2010 and the scope and effect of the order dated 09.07.2015, passed in W.P.Nos.20467 to 20471 of 2015. It may also be relevant to note that the respondent was directed to consider the application by virtue of order dated 26.10.2016, passed in W.P.No.37479 of 2016 dated 26.10.2016.

5. Re-notify on 07.02.2017."

3. Mr.Akhil Akbar Ali, learned Government Advocate, has returned with instructions. He says no counter affidavit need be filed.

3.1. Learned counsel further says that the prayer made in the captioned petition can be allowed.

3.2. Mr.Akhil Akbar Ali, also says that he has obtained instructions to the effect that Mr.V.Gursamy, who is sought to be appointed as Heavy Vehicle Inspector, by the petitioner, to conduct one day Skill Development Refresher Course, has the necessary qualification.

4. Accordingly, the captioned writ petition is allowed, in terms of the prayer made.

4.1. Needless to say, respondent No.2 will make the necessary endorsement in the License of the petitioner, as expeditiously as possible, though, not later than two (2) weeks from the date of receipt of a copy of the order.

5. There shall, however, no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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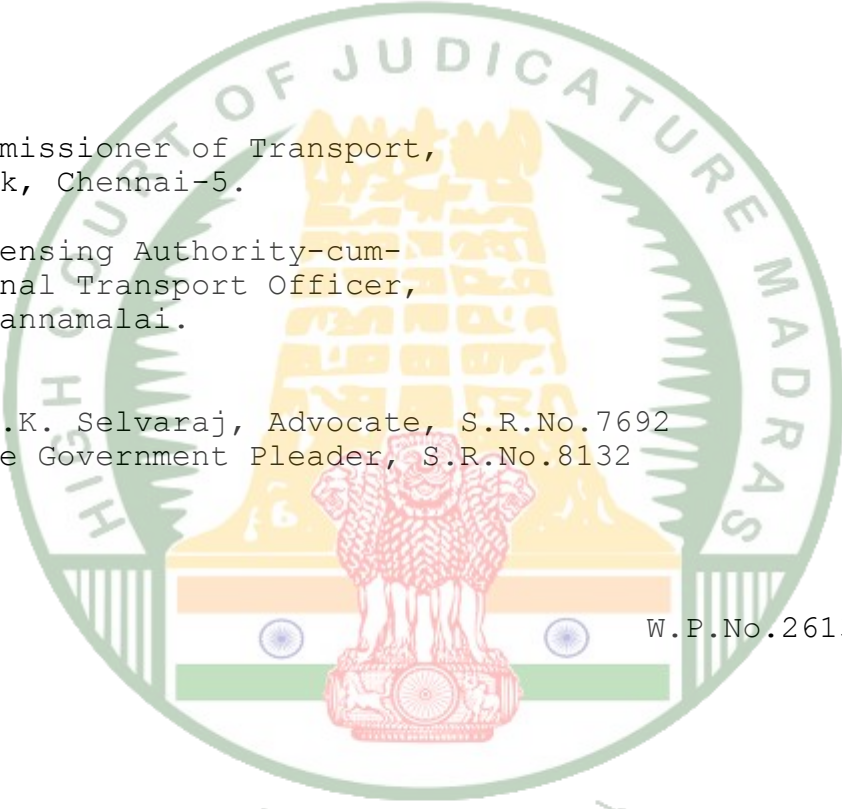
To

1. The Commissioner of Transport,
Chepauk, Chennai-5.
2. The Licensing Authority-cum-
Regional Transport Officer,
Thiruvannamalai.

+1cc to Mr.K. Selvaraj, Advocate, S.R.No.7692
+1cc to the Government Pleader, S.R.No.8132

AD(CO)
EU 15.2.17

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