

CWP-831-2017

Date of Decision : 05.04.2017

Haryana Motor Driving Training School

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl.A.G., Haryana.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner is a motor driving training school. Exemption from driving test had been granted to the trainees of the petitioner school vide order Annexure P-11 dated 02.12.2015. The order Annexure P-11 passed by the office of Transport Commissioner Haryana reads as follows:-

*“Haryana Motor Driving School, Mojiwala Kuan Mor, New Railway Road, Gurgaon is imparting instructions/training in respect of **Light Motor Vehicle (Non-Transport)**. After training, a proper certificate in Form 5 of the Central Motor Vehicles Rules, 1989 is being/will be issued to the trainees. The aforesaid motor driving school has been authorized to conduct driving skill test of the applicants who have (sic) been issued learner's license by concerned Licensing Authority situated in*

the State.

Any applicant appearing with the request of preparation of final license alongwith a certificate issued by them on its letter head which confirms that the applicant has been properly trained and tested and has been found fit, will not be required to undergo the driving test by the concerned Licensing Authority. The aforesaid certificate will be supported with the driving training certificate issued by them in Form 5.

*The eligible applicant will thus be issued required regular driving licence on the basis of certification issued by them, duly supported with driving training certificate in Form 5 appended to in the Central Motor Vehicles Rules, 1989, a proper regular driving license will be issued in respect of **Light Motor Vehicle (Non-Transport)**. The applicant should, however, fulfill all other conditions as prescribed in the Motor Vehicles Act/Central Motor Vehicles Rules and Haryana Motor Vehicle Rules.*

***Additional Transport Commissioner
Haryana, Chandigarh***

The exemption had been withdrawn by the Transport Commissioner Haryana vide order Annexure P-12 on 10.01.2017 which reads as follows:-

“Subject: Exemption of Driving Test in respect of Light Motor Vehicles (Non-Transport).

Refer to the subject cited above.

It is to inform you that the exemption to the trainees from the driving test of competence to

drive a vehicle granted to your school vide this office order endst. No. 60969-61053 dated 02.12.2015 is hereby withdrawn.”

The grievance of the petitioner is that the exemption granted is permissible under the Motor Vehicle Rules and the same has been withdrawn without disclosing any reason in the order and without giving any opportunity of hearing to the petitioner.

In the reply filed, the State has taken up the plea that the State Government has decided to formulate a policy so that services of driving training schools in the State may be utilized for training to drive a motor vehicle as well as to issue a certificate on the basis of which a trained person can be issued a permanent driving licence (non-transport) vehicle without a driving test. The said matter is under consideration and is likely to be finalised very soon. It is further mentioned in the reply that if the petitioner fulfills the conditions laid down by the State Government, then the case of the petitioner will be considered accordingly.

I have heard learned counsel for the petitioner and considered the stand of the State and I am of the opinion that the order Annexure P-12 withdrawing the concession without an opportunity of hearing is violative of rules of natural justice. The order Annexure P-12 is set aside. It will be open to the Transport Commissioner, Haryana to issue show cause notice and give an opportunity of hearing to the petitioner school before withdrawing the concession granted vide Annexure P-11. It is further observed that in case a policy as mentioned

in the reply, is formulated, the petitioner will be treated at par with other driving schools subject to the eligibility and the conditions fulfilled by the petitioner.

The petition is disposed of with above observations.

(M.M.S. BEDI)
JUDGE

05.04.2017
Neha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No