

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.2071 of 2013

A.Mahesh Shankar

...Appellant/Petitioner

Vs

1.The Regional Transport Officer
Licensing Authority
Coimbatore North
Coimbatore.

2.The Deputy Transport Commissioner
Coimbatore.

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order passed by this Court in W.P.No.4067 of 2012 dated 15.03.2012.

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified Mandamus to call for the records of the 2nd respondent in Se.Mu.A.No.2150/A4/2011 dated 23.12.2011 and to direct the 1st respondent to issue the driving license to the petitioner.

For Appellant : Mr.R.Sathish Kumar
for Mr.B.Nedunchezhiyan

For Respondent : Ms.Ramya Revathy
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The appellant submitted application for driving licence. The Regional Transport Officer, Coimbatore tested his proficiency in driving. The appellant failed in the driving test conducted by the first respondent. Thereafter, with a view to give one more opportunity, a team of experts has assessed the driving capacity of the appellant. The experts have arrived at

a conclusion that the appellant was not fit for being issued with a driving licence. The application was accordingly rejected.

2. When the writ petition was filed challenging the order passed by the first respondent, the learned Single Judge considered the entire background facts and dismissed it by order dated 15 March 2012. The said order is under challenge in this appeal.

3. There is no question of quashing the order passed by the second respondent on account of the report submitted by the team of experts assessing the driving capacity of the appellant. The claim for issuance of a driving licence can be considered only in case the appellant demonstrates that he is fit to hold the driving licence. Since the appellant failed in driving test, there is no question of issuing a driving licence in his favour. It is always open to the appellant to equip himself for the purpose of the obtaining licence. In any case, we are of the view that there is no case made out to set aside the order passed by the statutory authority.

In the result, the intra court appeal is dismissed. No costs.

Sd/-
Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

gms

To

1.The Regional Transport Officer
Licensing Authority
Coimbatore North
Coimbatore.

2.The Deputy Transport Commissioner
Coimbatore.

+1cc to Mr.B.Needunchezhiyan, Advocate SR.No.9280
+1cc to Government Pleader SR.No.9713

W.A.No.2071 of 2013

SSI (CO)
GN (12/03/2018)