

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15284 of 2018

and

W.M.P.No.18123 of 2018

Thennindhiya Otturnar Payirchi Palli
Urimaiyalargal Koottamaippu
(Regn. No.324 of 2009)
Rep by its President S.Shanmugam
No.4, Second Floor,
12th Street, Nanganallur
Chennai - 600 061.

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Secretary
Transport Department
Fort St. George
Chennai - 600 009.

2.The Transport Commissioner
Chepauk, Chennai - 60 0005.

3.The Transport Commissioner
Thiruchirappali.

4.The Regional Transport Officer
Karur, Karur District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent from implementing the Electronic Driving Test in "H" Track for the Light Motor Vehicles and two wheelers and consequently direct the respondents to follow the physical driving test as per the provisions of Rule 31 of the Central Motor Vehicles Rules, 1989.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.V.Jayaprakash Narayanan, Spl GP

O R D E R

The relief sought for in this writ petition is to forbear the respondents from implementing the Electronic Driving Test in "H" Track for the Light Motor Vehicles and two wheelers and consequently, direct the respondents to follow the physical driving test as per the provisions of Rule 31 of the Central Motor Vehicles Rules, 1989.

2.The writ petitioner is Thennindhiya Otturnar Payirchi Urimaiyalargal Koottamaippu. The grievances of the writ petitioner are that the members of the Koottamaippu are running driving schools in various places across the State. The respondents have now introduced Electronic Driving Test in "H" Track for the Light Motor Vehicles and two wheelers, for the purpose of granting driving licence to the persons submitting the application for grant of driving licences.

3.The learned counsel appearing on behalf of the writ petitioner Koottamaippu states that the members of the Koottamaippu are affected in view of the fact that even the syllabus and other details for teaching the students have not been provided and they are unable to follow the new test now implemented by the respondents for granting driving licences. The members of the petitioner Koottamaippu are the authorised driving schools and they had obtained necessary licences from the competent authorities to run the driving schools. The students are approaching to learn driving skills and the members of the petitioner Koottamaippu are teaching the driving techniques and skills. The syllabus for imparting instructions of driving motor vehicles is prescribed under Rule 31 of the Motor Vehicles Rules, 1989. The learned counsel further states that as per Clause 8 in Rule 31 of the said Rules, under the caption of "C.LIGHT VEHICLES DRIVING PRACTICE", it is prescribed as "S" bends and therefore, only after amending the relevant rules, the respondents are empowered to implement the Electronic Driving Test in "H" Track. Till then, the respondents are bound to follow the erstwhile practice of granting driving licences as per the procedures as contemplated under the Act and the Rules.

4.The learned Special Government Pleader appearing on behalf of the respondents opposed the contention by stating that the writ petitioner Koottamaippu has no locu-standi to file the present writ petition in view of the fact that in respect of grant of licences, the writ petitioner Koottamaippu cannot move this present writ petition. They are empowered to conduct driving schools under the provisions of the Act and the Rules and teach the students for acquiring driving skills. In respect of the conduct of tests for driving, it is the prerogative of the competent authorities to conduct the tests in the manner

known to law. The changes and the improvements made in the driving test cannot have any implications in respect of the running the driving schools and therefore, the writ petitioner Koottamaippu has no locu-standi to approach this court under Article 226 of the Constitution of India.

5. Conduct of driving test by the competent authorities of the State has been contemplated under the Manual. When the driving test and the method is prescribed, now the State is initiating action for the improvement of the test on account of necessity. The Manual test already in force has been improved as Electronic Driving Test in "H" Track. Such an improvement made in the existing Manual Driving Test to Electronic Driving Test can never be construed as the alteration of the rules itself. Ultimately, the object of the rule is to conduct a proper driving test for the purpose of issuing driving licence to the candidates, who are submitting application. The periodical improvements based on the technological developments and in the present day computerised world, it is certainly imminent for the State to introduce the Electronic Driving Test, so as to ascertain the driving skills of the candidates with more accuracy. Thus, the writ petitioner association being a driving school, cannot have any contra opinion in respect of the improved driving test introduced by the State in the interest of public as a public policy.

6. It is brought to the notice of this Court that the new procedures for conducting the improved driving tests of Electronic Driving Test in "H" Track for the Light Motor Vehicles and two wheelers have already been explained to the driving schools and the program sheet in this regard also has been published by the Transport Department of the State of Tamil Nadu. The State has made all necessary arrangements to conduct the driving test to ascertain the driving skills of the candidates in a full proof manner. One of the object for the introduction of the new driving test system is to avoid malpractices or grant of driving licences to the unskilled drivers and further, to improve the system for the benefit of the public at large and for the benefit of the road users. Thus, such schemes introduced and implemented for the improvements of the public system can never be questioned by the writ petitioner association and the members of the association are running the driving schools and no way connected with the driving tests to be conducted by the Transport Department of the Government of Tamil Nadu.

7. We are thoroughly aware that huge number of vehicular traffic are now seen on the National Highways Roads, State Highways Roads and other roads. Day-in and Day-out, the vehicles in large number are being registered by the registering

authorities. The driving licences are sometimes granted in a careless manner and without assessing the driving skills of the persons in an accurate manner.

8. At the outset, the ground reality prevailing in our State as of now is that the persons, who are not possessing adequate skills for driving vehicles are permitted to drive vehicles, resulting large number of accidents and posing a constant threat to the other road users and public at large, more specifically, the people, who are walking on the roads. Number of accidents are ascending day-by-day and the statistics provides an alarming situation of growing fatal accidents and other simple accidents. Certainly, it is high time that the State has to introduce such improved Electronic Driving Test System and a regulated roads both in National Highways and State Highways and other roads to improve the Transporting system in the State. Maintenance of vehicular traffic in all such important roads are certainly required. The agony prevailing as of now is that, the public at large are lamenting that the traffic regulations are not scrupulously followed not only by the drivers, who are driving the vehicle, but also not regulated by the Traffic Policemen, who are deployed in many places. The public authorities are duty bound to regulate such traffic systems strictly and in accordance with the statues and rules. Thus, the irregularities, illegalities and corrupt activities in the Transport Department for grant of driving licences to unskilled persons and without assessing the driving skills of the persons are to be stopped at once and a full proof system is highly essential for the purpose of improving the public road users in the interest of public at large. Even as per the recent statistics, the important National Highways Roads are facing high vehicular traffic and the number of accidents are increasing day-by-day. Under these circumstances, the introduction of Electronic Driving Test in "H" Track is absolutely necessary and this Court finds no infirmity in respect of introducing a newly improved electronic system to ascertain the driving skills of the candidates, who are submitting applications seeking driving licence from the State authorities. If necessary, it is for the State to issue a formal amendments in the Manual and Rules. However, on this rectifiable technical grounds, the growth, improvement in grant of driving licence system and the electronic methods introduced can never be delayed in the interest of public at large, which is of paramount importance. Thus, the ground raised by the writ petitioner that an amendment in the rules are required is a formality, which is to be done by the Government and on account of this formality, the introduction of a newly improved Electronic Driving Test in "H" Track can never be postponed.

9. Public interest at large in public administration is

of paramount importance. Eradication of Manual system, which is mostly witnessed for an improved source of corruption. This Court is of an opinion that such electronic driving tests are necessary to slow down the corrupt activities of the public officials. People of this great Nation are frustrated on account of freelance corrupt activities prevailing, more specifically, in Regional Transport Offices, who all are the authorities for registration of vehicles and to grant driving licences and other related public services. No one can deny the growing practice of the administrators of the driving schools having hand-in-glove with the Transport Department authorities and the corrupt activities are growing day-by-day. The public at large have to necessarily approach the driving school employees for the purpose of getting a driving licence. These driving school Managements are colluding with the public officials and the corruption becomes a routine day-to-day affair in the Regional Transport Offices. When the State is initiating certain steps to minimise the corruption, these officials and the Management of the driving schools are inventing new methods of corruption and they are finding many ways to escape from the traps and from the vigil of the Vigilance and Anti-Corruption Department.

10. This Court is of a genuine doubt that even the Vigilance and Anti-Corruption Department of the State is not functioning efficiently. Efficiency level, more specifically, in Vigilance and Anti-Corruption Department is highly essential and the officers, who all are posted in the Vigilance and Anti-Corruption Department must be not only prudent and they must know how to tackle and crack down these corrupt public officials. An amount of intelligence and efficiency for the officials in the Vigilance and Anti-Corruption Department is certainly imminent. In this regard, the Director of Vigilance and Anti-Corruption Department shall ensure frequent and adequate inspections, searches at all levels are to be carried on without any gap.

11. Corruption is not only a social evil, but corruption is a greatest hurdle for the development of our great Nation. People are frustrated in respect of the corrupt activities of the public officials in the State. People in general are of an opinion that they can get driving licence from the Transport authorities only through these driving school Management and by paying an exorbitant amount for the purpose of bribing these Transport authorities. It is painful to record that the State being model is bound by the Constitution of India and they are duty bound to ensure that such freelance corrupt activities are crippled to the extent possible in certain departments like Transport Department, Registration Department, Commercial Taxes Department, etc.,

12.The licences granted to the driving schools are only to the extent of running the driving schools and teaching the students, who are approaching the driving schools. It is for the driving schools to get the scheme of new Electronic Driving Test in "H" Track for the Light Motor Vehicles and two wheelers and it is for the authorities to provide syllabus to these driving schools for the purpose of implementing the scheme. Undoubtedly, the competent authorities are bound to provide all details and syllabus both to the driving schools and to the public at large, enabling the candidates to participate in the newly introduced Electronic Driving Test in "H" Track. Contrarily, the driving schools have no locu-standi to challenge the very policy of the Government introducing the new improved Electronic Driving Test System.

13.Considering the overall circumstances and the manner in which these driving schools are approaching the High Courts, challenging the very improvements made in the driving tests, this Court is of an opinion that it is absolutely necessary to issue certain directions to the authorities to ensure that the public services are provided to the citizen in its real sense and in accord with the Constitution of India and the related statues. Certain directions are imminent, considering the overall situation prevailing in our State. The directions are to be issued to the public officials for the purpose of providing better services to the citizen of this Country, which is mandatory under the provisions of the Constitution of India. Accordingly, the following orders are passed:

(i) The relief as such sought for in this writ petition by the writ petitioners' cannot be granted. Thus, at the first instance, the claim of the writ petitioners' are rejected at the outset.

(ii) The respondents are directed to implement the Electronic Driving Test in "H" Track for the Light Motor Vehicles and two wheelers for grant of driving licences in accordance with the procedures contemplated.

(iii) The respondents 1 and 2 are directed to install full coverage "CCTV" cameras(Closed Circuit TV) in all the Regional Transport Offices in the State of Tamil Nadu, within a period of three months from the date of receipt of a copy of this order.

(iv) The authorities concerned must ensure that such "CCTV" cameras installed are functional at all times and there should not be any failure. In the event of non-functioning of the "CCTV" cameras for a continuous period of one week, then the officials concerned in the office, must be held responsible and the respondents 1 and 2 are directed to initiate appropriate disciplinary proceedings against such officials under the provisions of the Tamil Nadu Civil Service(Discipline and

Appeal) Rules, for negligence and dereliction of duty.

(v) The respondents 1 and 2 are directed to issue suitable Circular/instructions in this regard and further ensure that the touts and brokers and the driving school employees are not allowed to move freely in the Transport offices without any purpose. In the event of any such movement, the officer in charge of the office must be held responsible and appropriate disciplinary actions are to be taken against such officials.

(vi) The first respondent and the Director of Vigilance and Anti-Corruption, Government of Tamil Nadu is directed to appoint special teams for the purpose of conducting frequent and surprise inspections in the Regional Transport Offices and other connected offices and prosecute the officials, who all are involving in such corrupt activities. There cannot be any leniency or misplaced sympathy in respect of initiating actions against such corrupt officials.

(vii) The respondents 1 and 2 are directed to obtain the property details (Movables and Immovables) of the Regional Transport Officers and all other higher officials of the Transport Department and verify the same with the declaration of property details given by them in their service records. The informations are to be gathered in respect of the acquisition of properties by these officials and their family members after their appointment to the Government service. In all cases of discrepancies, explanations shall be sought for and appropriate prosecutions and actions are to be taken against the irregularities and illegalities, if any found under the provisions of Law.

(viii) The respondents 1 and 2 shall ensure issuance of appropriate Circulars/instructions to all the officials in this regard within a period of four weeks from the date of receipt of a copy of this order.

14. With the above directions, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

15. The Registry is directed to post the matter "For Reporting Compliance" after four weeks. The Registry is further directed to mark a copy of this order to the Director, Vigilance and Anti-Corruption Department, 293, MKN Road, Collectors Nagar, Alandur, Chennai - 600 016.

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Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

maya/kak

To

- 1.The Secretary
Transport Department
Fort St. George
Chennai - 600 009.
- 2.The Transport Commissioner
Chepauk, Chennai - 60 0005.
- 3.The Transport Commissioner
Thiruchirappali.
- 4.The Regional Transport Officer
Karur, Karur District.
- 5.The Director,
Vigilance and Anti-Corruption Department,
293, MKN Road,
Collectors Nagar,
Alandur, Chennai - 600 016.

Copy TO

The Section Officer,
Writ section, High Court,
Madras.

(Post the matter for reporting compliance after four weeks)

+1cc to Mr.K.Selvaraj, Advocate SR.No.39868
+1cc to Government Pleader SR.No.40377

BS (CO)
GN (05/07/2018)

W.P.No.15284 of 2018
and
WMP.NO.18123 OF 2018

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