



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P(MD)No.7336 of 2018

P.Mustafa : Petitioner
Vs.

The Regional Transport Officer,
Regional Transport Office,
Madurai (Central),
Melur Road,
Madurai - 625 007. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to issue Heavy Vehicle License with Badge to the petitioner in accordance with law.

For Petitioner : Mr.C.M.Arumugam
For Respondent : Mrs.J.Padmavathi Devi,
Special Government Pleader

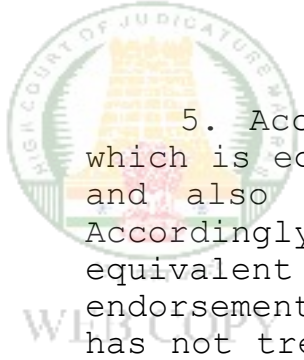
ORDER

The petitioner has come forward with the present Writ Petition seeking a Writ of Mandamus, to direct the respondent to issue a driving licence to drive Heavy Vehicle to him in accordance with law.

2. As per Rule 8 of the Central Motor Vehicles Rules, 1989, the minimum educational qualification for getting a driving licence is a pass in the 8th Standard. As per Rule 9, for getting the endorsement for driving vehicles carrying dangerous or hazardous goods, one must possess a driving licence for one year.

3. The Tamil Development and Information Department issued a Government Order vide G.O.(Ms).No.111, Tamil Development and Information Department, dated 03.06.2015, for starting Pre-foundation Course, which is equivalent to 10th Standard and Foundation Course, which is equivalent to 12th Standard. The Government has also granted permission to start those Courses.

4. The petitioner has obtained a Certificate from the Tamil University, Thanjavur, with regard to the Pre-Foundation Course <https://hcservices.ecourts.gov.in/hcservices/> underwent by him in May, 2016 and he has also produced a mark statement for having passed in the Pre-Foundation Course.



5. According to the petitioner, he possesses the Certificate, which is equivalent to 10th Standard and he knows one Indian language and also possesses a driving licence for more than one year. Accordingly, the petitioner would claim that his Certificate is equivalent to 10th Standard and, therefore, he is entitled to get the endorsement from the Transport Authority. The Transport Authority has not treated the Certificate produced by him as equivalent to 8th Standard and returned the application for driving licence. Therefore, this Writ Petition.

6. Controverting the submission made by the writ petitioner, the learned Special Government Pleader would submit that the respondent's Office, in their communication vide Na.Ka.No.20028/@3/2017, dated 07.07.2017, sought verification of the Certificate by the Tamil University. Once they receive the verification report from the University, the request of the writ petitioner would be considered. The Regional Transport Officer, Madurai Central has also written a letter to the Transport Department seeking clarification as to whether the Pre-foundation Course Certificate issued by the Tamil University is equivalent to 8th Standard or not. Therefore, immediately after receiving the reply from the concerned authorities, the driving licence will be issued.

7. I have considered the rival contentions.

8. G.O.(Ms).No.111, Tamil Development and Information Department, dated 03.06.2015, clearly specify that Pre-foundation Course is equivalent to 10th Standard. However, a letter seeking clarification with regard to the equivalence of 10th Standard has been sent and also the Certificate produced by the petitioner is sent for verification to the Tamil University as to its genuineness.

9. In the considered opinion of this Court, the respondent cannot delay the issuance of driving licence or badge endorsement for a longer time. Therefore, a direction is issued to the respondent/Regional Transport Officer, Madurai (Central), to consider the issuance of the driving licence at an early date, after getting a reply from the Tamil University and the Joint Commissioner of Transport Department. In any event, the process shall be completed, within a period of two months from the date of receipt of a copy of this order.

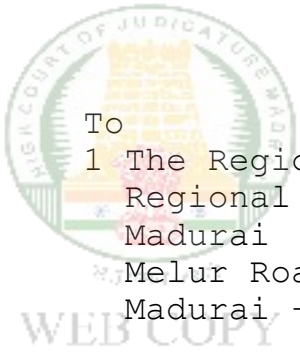
10. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar



To

1 The Regional Transport Officer,
Regional Transport Office,
Madurai (Central),
Melur Road,
Madurai - 625 007.

3 The Tamil University, Thanjavur

3 The Joint Commissioner of Transport Department,
Madurai.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.60477

+1CC TO M/S.C.M.ARUMUGAM, ADVOCATE, SR NO.60289

Order made in
W.P (MD) No.7336 of 2018
09.04.2018

SML

MS/SV-MMS/SAR-1/18.04.2018/3P.6C