

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.10853 of 2012

ORDER:

The relief sought for in this Writ Petition is to declare the proceedings of the Motor Vehicle Inspector, Madanapalle in insisting that the petitioner should produce the 8th class pass certificate, for inclusion of another class of transport vehicle i.e., Motor Cab to their existing Driving Licence which relates to transport vehicles i.e., Tractor and Trailer, as illegal and arbitrary.

The petitioners' contention is that the requirement of 8th Class pass is applicable only to new applicants who seek a learner's licence; and, since the petitioners already hold a licence for a different class of vehicles, the requirement of production of a 8th class pass certificate cannot be applied to them. It is wholly unnecessary for this Court to dwell into this aspect, since the Motor Vehicles Inspector, Madanapalle, in his counter-affidavit filed before this Court, has fairly stated that it is only while applying for learner's licence for transport vehicles is a pass in the 8th class necessary as per Rule 8 of the Central Motor Vehicles Rules, 1989; in the instant case, the petitioners already have a licence in the non-transport category; and as per Rule 8(ii) of the Central Motor Vehicles Rules, 1989, the petitioners were eligible for all transport licences, and a certificate, in proof of passing the 8th Class, was not necessary.

In view of these averments in the counter-affidavit, Sri G. Venkateswara Rao, Learned Counsel for the petitioners, would submit that the petitioners would make an application afresh requesting the Motor Vehicles Inspector to add another class of transport vehicles i.e.,

Motor Cabs to their existing licence without insisting on their producing a 8th class pass certificate. Learned Government Pleader for Transport would fairly state that the petitioners application would be considered, and orders would be passed thereon, within one month from the date of receipt of their representation.

In the light of the submission of the Learned Government Pleader, it is but appropriate that the petitioners are permitted to make a representation seeking inclusion of “Motor cabs” in their existing drivers licence. In case such an application is filed, the Motor Vehicles Inspector shall consider the same in accordance with law, without insisting on the petitioner’s producing an 8th class pass certificate, and pass orders thereupon within one month from the date of receipt of their representation. The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 06.07.2018

Note: Issue copy in one week.

B/o
MRKR