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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10874/2018 & CM Nos. 42414/2018 & 42415/2018

DAVANAND

..... Petitioner

Through: Mr Anunaya Mehta and Mr Akshay
Deep Singhal, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Ms Shobhana Takiar, Advocate for R-
1 and R-2.
Ms Avnish Ahlawat and Ms Palak
Rohmetra, Advocate for DTC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.10.2018

1. The petitioner has filed the present petition, *inter alia*, praying that respondent nos.1 and 2 be directed to process the petitioner's application for renewal of the driving licence filed by the petitioner in respect of the Driving Licence No.DL-1119900046019 and to allow the same in accordance with law.
2. The petitioner was born on 08.06.1973 and was issued a driving licence on 05.07.1990. He had not attained the age of 18 years as on that date and there is no dispute that the said licence was invalid at the time when it was issued. The said licence was, thereafter, renewed from time to time. On the strength of the said licence, the petitioner was also issued a Heavy Transport Vehicles (HTV) driving licence, which was valid till 16.07.2018.

Prior to expiry of the said licence, the petitioner applied for renewal of the same in accordance with the provisions of the Motor Vehicle Act, 1988 read with Central Motor Vehicles Rules, 1989. The request for renewal of the said licence was rejected as it was found that the initial licence was invalid.

3. Mr Mehta, learned counsel appearing for the petitioner has referred to the decision of the Punjab and Haryana High Court in ***Kuldip Balhara v. State of Haryana and Another: CWP No.10077/2012*** decided on **06.02.2013**, wherein the Court had held that the illegality of driving licence would continue till the licence holder attains the age of 18 years. This Court has reservations as to the aforesaid opinion. *Prima facie*, it is difficult to accept that the licence, which was invalid when issued attains validity after the licence holder attains certain age. However, it is not necessary for this Court to enter into that controversy at this stage as the petitioner is willing to apply afresh for a HTV licence as earlier held by the petitioner. The only concern expressed by Mr Mehta is that the petitioner should not be relegated to apply for learners licence and thereafter for a regular licence in order for being considered for issue of a licence in the category, which was held by him. Clearly, it would not apposite to put to the petitioner through that procedure considering that the object of issuing a licence is to ensure that the person who is provided the licence is competent to drive the motor vehicle of the class, which he is licenced to drive. In the present case, the petitioner is an employee of Delhi Transport Corporation (respondent no.3) and has been driving passenger buses since past several years. It is also stated that he has been undertaking refresher courses conducted by his employer periodically.

4. In the aforesaid view, it is directed that the respondent nos.1 and 2

would consider the petitioner's request for issuance of a licence if the same is applied for in the prescribed form. The respondents are also at liberty to prescribe any test to be undergone by the petitioner; however, the respondents shall not insist that the petitioner obtains a learner's licence/regular licence prior to issuance of licence of the category as sought for by the petitioner.

5. The petition is disposed of with in the aforesaid terms.

6. It is clarified, that this order is passed in the peculiar facts of this case and considering that the respondent transport authority had not discovered the invalidity of the licence for almost twenty eight years, since the date of its issue. As is apparent, this Court has also been persuaded by the fact that the petitioner has significant experience in driving a vehicle of the category in respect of which the licence is sought by him.

VIBHU BAKHRU, J

OCTOBER 11, 2018
MK