



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD) No.9430 of 2015

and

M.P (MD) No.1 of 2015

A.Trupati Boman @ Trupati Boyan

... Petitioner

Vs

The Regional Transport Officer,
Office of the Regional Transport,
Thiruvarangam

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to call for the records of the petitioner's driving license End.No.TN 48 Z/DLA/0000040/2015 dated 09.02.2015 and delete the category "only non transport" and consequently direct the respondent to issue driving license for the category of LMV Non Transport Car, Transport vehicle M/HMV Regid chassis goods within a stipulated period by this Court.

For Petitioner : Mr.M.Mohamed Sherbudeen

For Respondent : Mr.D.Muruganantham
Additional Government Pleader.

ORDER

The instant writ has been filed challenging the order dated 09.02.2015 passed by the respondent who had rejected the application submitted by the petitioner for renewal of driving licence in the category of Light Motor Vehicle Non Transport Car and Transport Vehicle Medium / Heavy Motor Vehicle.

2.It is the case of the petitioner that he was earlier in the State of Maharashtra and he obtained a driving licence on 04.12.2000 under the category of Light Motor Vehicle Non Transport Car and Transport Vehicle Medium / Heavy Motor Vehicle under driving license No.MH06 20000013593 issued by the Regional Transport Officer, Raigad, State of Maharashtra. According to the petitioner, he shifted his residence from Raigad, State of Maharashtra to Thuraiyur Taluk, Trichy District. Since the petitioner shifted his residence to Thuraiyur Taluk, Trichy District, after expiry of the driving license issued by the State of Maharashtra, he applied for renewal with the respondent on 12.12.2014. It is case of the petitioner that there were no adverse remarks in his driving licence. The application for renewal



submitted by the petitioner on 12.12.2017 was considered by the respondent. But as seen from the endorsement made by the respondent under the impugned proceedings, renewal was granted only in respect of the Light Motor Vehicle licence and not for transport vehicle. Aggrieved by the rejection of renewal for transport vehicle licence, the instant writ petition has been filed.

3. Heard Mr.M.Mohamed Sherbudeen, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondent.

4. It is case of the petitioner that he is having a valid driving license issued by the State of Maharashtra on 04.12.2000 for the category of Light Motor Vehicle as well as for a Transport Vehicle. A copy of the driving licence issued by the State of Maharashtra has also been produced before this Court by the petitioner. After expiry of the licence, the petitioner has applied for renewal for both categories, namely, Light Motor Vehicle as well as for Transport Vehicle. But under the impugned proceedings, the respondent has granted renewal to the petitioner only for light motor vehicle and not for the transport vehicle, as seen from the endorsement made in the renewed license issued by Regional Transport Officer, Thiruvaramangam, Trichy District.

4. The learned counsel appearing for the petitioner drew the attention of this Court to Rule 8 of the Central Motor Vehicle Rules, 1989 and the amendment made on 10.04.2007, which reads as follows:-

8. Minimum educational qualification for driving transport vehicles:- The Minimum educational qualification in respect of an applicant for obtaining a licence to drive a transport vehicle shall be a pass in the eighth standard:

Provided that the minimum educational qualification specified in this rule shall not apply in the case of---

(i) renewal of a driving licence to drive a transport vehicle; or

(ii) addition of another class of transport vehicle to the driving licence;

already held before the commencement of the Motor Vehicles (Amendment) Rules, 2007.

5. According to the learned counsel for the petitioner that the minimum educational qualification required, is not applicable for

the renewal of driving licence to drive the transport vehicle as seen from the Proviso (1) of Rule 8 of the Central Motor Vehicle Rules, 1989.



6.This Court is also in agreement with the submissions made by the learned counsel appearing for the petitioner. Therefore, the respondent ought to have renewed the driving licence of the petitioner under the category of Transport vehicle and ought not to have made an endorsement "Only Non Transport". The petitioner is entitled for renewal of driving licence for transport vehicle also.

7.Therefore, this Court is of the considered view that the respondent has not applied his mind by following Proviso (1) of Rule 8 of the Central Motor Vehicle Rules, 1989. The impugned proceedings dated 09.02.2015 in respect to the driving licence issued to the petitioner bearing No.TN 48 Z/DLA/0000040/2015 is hereby quashed and the respondent is directed to issue a fresh driving licence to the petitioner permitting him to drive vehicle under the category of Light Motor Vehicle as well as transport vehicle for a fresh period, as normally permitted for renewal.

8.With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

cp

To

The Regional Transport Officer,
Office of the Regional Transport,
Thiruvaram.

+1CC TO MR.A.HAJA MOHIDEEN, Advocate Sr. No. 51192

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 51743

W.P. (MD) No. 9430 of 2015

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TR (25.03.2019) 3P 4C