



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.09.2021**

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.15251 of 2021 and
WMP(MD) No.12167 of 2021

WEB COPY

Maria Marvel Prince

...Petitioner

Vs.

1. The Regional Transport Officer (RTO),
Perumalpuram,
Tirunelveli,
Tirunelveli District.
- 2.The License Issuing Authority,
Office of the Regional Transport Office,
Shanmugapuram,
Valliyoor,
Tirunelveli District.
- 3.The District Disabled Rehabilitation Officer,
Tirunelveli,
Tirunelveli District.
- 4.The Principal,
Tirunelveli Medical College Hospital,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents more particularly the second respondent to issue the driving license to the petitioner on the basis of his application dated 01.10.2020 forthwith.

For Petitioner :Mr.S.Palani Velayutham

For Respondents :Mr.D.Ghandiraj
Government Advocate

ORDER

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondents more particularly the second respondent to issue the driving license to the petitioner on the basis of his application dated 01.10.2020 forthwith.

2.The petitioner is a physically challenged person.

However, he is an engineering student, studying the final year

<https://hcservices.ecourts.gov.in/hcservices/>



Engineering Course in PSG College of Technology, Coimbatore and a resident of Tirunelveli District. The petitioner's father already purchased a four wheeler Maruti Etiga with registration No. TN 72 BY 2772. In order to drive the vehicle, the petitioner claimed to have obtained training from the first respondent and with that strength along with the copy of the certificate of disability, the petitioner had applied to the second respondent licensing authority on 01.10.2020, for getting driving license of motor cycle with gear (light vehicle). Though the said application was made as early as on 01.10.2020, so far the same has not been considered and it is kept pending by the second respondent to issue driving license to the petitioner. Hence, the present Writ Petition came to be filed with the aforesaid prayer.

3. Mr.S.Palani Velayutham, the learned counsel appearing for the petitioner, who have reiterated the aforesaid facts would seek indulgence of this Court to issue suitable direction to the second respondent.

4.However, the learned Government Advocate appearing for the respondent, on instructions would submit that, since admittedly he is a differently abled person, he has to get necessary certificate from the Medical Board as contemplated and such a certificate yet to be obtained and submitted before the licensing authority that is the second respondent. Therefore, unless and untill such a certificate is produced before the licensing authority, they would not be in a position to proceed further on the application of the petitioner.

5.In this context, the learned Government Advocate relied upon the order of this Court made in similar circumstances in W.P. (MD)No.1015 of 2014, dated 03.09.2021.

6. I have considered the said submissions made by the respective counsel appearing for the parties and perused the materials placed before this Court.

7. Since the petitioner is admittedly a differently abled person and in that capacity, he has made application to get license from the second respondent and though the petitioner claimed to have produced the necessary documents including Aadhar Card and the certificate with regard to the four wheeler that is owned by the petitioner's family, the certificate from the Medical Board as contemplated under the procedure/ requirement of the licensing authority, since has not been obtained and produced, however by taking note of the order passed by this Court in the case referred to above (W.P.(MD)No.1015 of 2014, dated 03.09.2021), where I have considered the similar issue, since the petitioner's case is also similarly placed, this Court is inclined to pass the following



8.It is an admitted case that the petitioner is having 55% disability, for which, admittedly, a certificate has been given by the District Medical Board, therefore, if at all, any contra recommendation is to be given after examining medically the petitioner, the petitioner has to approach the Medical Board concerned as per the Rules, and only with their recommendation, the petitioner can make an application afresh to the respondent Department to consider his candidature for the purpose of grant of Light Motor Vehicle license. Without resorting such a procedure to be adopted in this regard, since the petitioner has straightly made an application, it has not been considered.

9.In view of the same, the petitioner cannot have a direction to consider the present application. Accordingly, this writ petition fails, hence, it is liable to be dismissed. However, this dismissal shall not preclude the petitioner, if he still desires to make an application to the respondent Department after approaching the Medical Board concerned, and after getting the proper recommendation as per the Rule, and in such eventuality, it is open to the respondents to consider the issue and pass suitable orders thereon.

10.With these observations this writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

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/ /2021

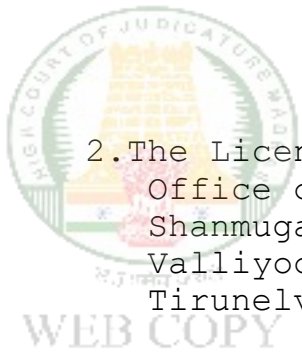
Sub Assistant Registrar(CS)

vrn/tmg

Note In view of the present lock down owing to COVID-19 pandemic, a
: web copy of the order may be utilized for official purposes,
but, ensuring that the copy of the order that is presented is
the correct copy, shall be the responsibility of the
advocate/litigant concerned.

To

1. The Regional Transport Officer (RTO),
Perumalpuram,
Tirunelveli,
Tirunelveli District.



2.The License Issuing Authority,
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4.The Principal,
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+1 CC to M/s.SPL.GP (SR-28833[F] dated 13/09/2021)

W.P. (MD)No.15251 of 2021 and

MP (MD) No.12167 of 2021

Dated:

09.09.2021

MGJ(28.10.2021) 4P 6C