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Writ Petition No.5799 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.5799 of 2023

and

W.M.P.No.5790 of 2023

R.Parthiban
S/o.Ramasamy

... Petitioner

Vs.

- 1.The Regional Transport Officer,
Office of Regional Transport (South),
Namakkal.
- 2.The Chief Medical Officer,
Government Hospital,
Namakkal.
- 3.The Principal,
Regional Institute of Ophthalmology,
and Government Ophthalmic Hospital,
Egmore, Chennai - 600 008.
- 4.The Transport Commissioner,
Office of the Transport Commissioner,
Chepauk, Chennai - 600 005.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records culminated in the impugned order bearing No.35229/E3/2022 dated 20.01.2023 passed by the first respondent and consequently, direct the first respondent to issue driving license to the petitioner.

For Petitioner : Mr.M.Karpagam

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent in No.35229/E3/2022, dated 20.01.2023 rejecting the application submitted by the petitioner seeking for issuance of driving licence, who has monocular vision.

2. The case of the petitioner is that he has monocular vision from birth and his better eye is the right eye. The petitioner is an engineering graduate and is working in a private concern. The petitioner applied for driving licence. Even though it was stated in the affidavit filed in support of



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the writ petition that he applied for driving licence for commercial vehicle, later, on the objections made by learned Special Government Pleader and on the query that was posed by this Court, a better affidavit was filed on 28.03.2023 and it has been specifically mentioned in paragraph No.2 of the better affidavit that the petitioner had applied only for non-commercial vehicle.

3. The petitioner had obtained the medical certificate and also the certificate of medical fitness from All India Institute of Medical Sciences, Mangalagiri. This was also annexed along with the application. The petitioner was sent to Special Medical Board for examination and the Special Medical Board through proceedings dated 15.12.2022 gave a finding that the petitioner is unfit for driving purposes. Based on the same, the application submitted by the petitioner was rejected by the first respondent through the impugned proceedings dated 20.01.2023. Aggrieved by the same, the present writ petition has been filed before this Court.



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4. The first respondent has filed a counter affidavit. The first respondent has taken a very specific stand that the Government of India had permitted persons with monocular vision to apply for driving licence subject to medical certificate contemplated u/s.8(4) of the Motor Vehicles Act, 1988. In view of the same, the petitioner was referred to the Medical Board containing a Chairman and two other persons of the ophthalmology department. They, after examining the petitioner, found that the petitioner is unfit for driving. Based on this report given by the Medical Board, the first respondent rejected the application submitted by the petitioner seeking for driving licence. Hence, the first respondent has sought for dismissal of the writ petition.

5. Heard Mr.M.Karpagam, learned counsel for petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader, appearing for respondents.



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6. The main ground that was urged by learned counsel for petitioner is that the Medical Board did not take into consideration the guidelines that were issued by the Ministry of Road Transport and Highways in No.RT-11016/03/2017-MVL, dated 21.11.2017. For proper appreciation, the relevant guidelines are extracted hereunder:

- "2. Department of Ophthalmic Science, All India Institute of Medical Sciences, New Delhi has furnished a report and opined that monocularly impaired persons may be considered for grant of driving licence for non commercial cars and motor cycles, provided:
 - (A) Visual acuity in the remaining or the better eye is 6/12 or better.
 - (B) Horizontal visual field is 120 degrees or more on Goldman perimetry/Confrontation test.
 - (C) Sufficient time (6 months) has been allowed after the loss of eye/vision in other eye for the person to adapt to loss of same.
3. It is advised that the application for the grant of driving licence to the applicant having monocular vision may be considered as per para 2 above, while deciding the issue of any one eyed person under section 8(4) of the Motor Vehicles Act, 1988."

7. On carefully going through the guidelines, it is seen that for monocularly impaired persons applying for driving licence for non-commercial vehicles, certain criteria has been fixed. Insofar visual acuity of the better eye is concerned, it is fixed at 6/12 or better. The better eye of the



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petitioner is his right eye. On examining the same, the visual activity of the petitioner was assessed by the Special Medical Board as 6/18 without specs and 6/6 with specs. The next criteria that has been fixed under the guidelines is the horizontal visual field. The guideline prescribes 120 degrees or more. The Medical Board found that the petitioner has the full horizontal visual field. The third guideline is not relevant for the purpose of the case on hand. The first two guidelines given by the Ministry of Road Transport and Highways have been sufficiently fulfilled by the petitioner.

8. Even when the medical certificate and certificate of medical fitness were issued by All India Institute of Medical Sciences, they found that the right eye of the petitioner is fully functional and the fitness certificate was given after satisfying themselves on the fulfilment of the guidelines given by the Ministry of Road Transport and Highways, dated 21.11.2017. This should have been taken into consideration by the Medical Board. However, the Medical Board stated that the petitioner suffers from one eyed status and therefore, he was found to be unfit for driving purposes. This finding of the



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Medical Board is not in consonance with the guidelines that have been issued by the Ministry of Road Transport & Highways.

9. The impugned proceedings of the first respondent dated 20.01.2023 was only a follow up to the report given by the Special Medical Board and if the report of the Special Medical Board is found to be untenable, the rejection order passed by the first respondent must also fall flat.

10. In the light of the above discussion, this Court has absolutely no hesitation to interfere with the impugned proceedings of the first respondent in No.35229/E3/2022, dated 20.01.2023 and the same is accordingly quashed. The matter is remanded back to the file of the first respondent and the first respondent is directed to consider the application submitted by the petitioner for driving licence for non-commercial vehicle in line with the guidelines issued by the Ministry of Road Transport & Highways, dated 21.11.2017 and the petitioner, on fulfilling the same, shall be issued with the



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driving licence subject to the fulfilment of other conditions. This process shall be completed by the first respondent within a period of four (4) weeks from the date of receipt of a copy of this order.

In the result, this Writ Petition is disposed of with the above direction.

No costs. Consequently, connected miscellaneous petition is closed.

11.04.2023

Index : Yes/No
Speaking Order / Non Speaking Order
Neutral Citation: Yes
gm

To

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N. ANAND VENKATESH, J



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