

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(212)

CWP-28068-2017

Date of Decision : December 13, 2023

Surender Kumar**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sanjeev Majra, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that the bus which was given to the petitioner for conducting the driving test, had mechanical defect as the gears were not working properly due to which, the petitioner could not clear the driving test.

2. Learned State counsel submits that the said objection is incorrect as there was nothing wrong with the bus as the same bus was used for conducting the driving test of the other candidates as well. Learned State counsel further submits that the driving test was video taped and the video clip of the driving test of the petitioner can be verified by anyone so as to adjudge whether the bus, which was used for driving test of the petitioner, was having a mechanical defect or not.

3. Learned counsel for the petitioner submits that the said video clip be examined by the expert namely State Transport Controller, Haryana,

who is stationed at Chandigarh.

4. Learned State counsel raises no objection qua the said fact.
5. Let the video clip qua the driving test of the petitioner as well as the video clip where the same bus has been used qua the other candidates for conducting the driving test be presented to the State Transport Controller, Haryana for his perusal and expert report.
6. Keeping in view the expert report, which comes, action be taken by the respondents in case, any act needs to be performed by the State in pursuance to the said report.
7. Learned counsel for the petitioner submits that keeping in view the order passed today, no further grievance of the petitioner survives in the present writ petition and the same may kindly be disposed of having been not pressed any further.
8. Let the sealed video recording of the driving test be presented before the State Transport Controller, Haryana, by 18.12.2023 and expert report as being requested for, be sent by the expert to the concerned department of respondent-State by 31.12.2023 for information and necessary action if any.
9. Till the expert report is received, one seat which has been kept vacant in pursuance to interim order dated 20.12.2017, should be kept vacant in case the same is to be utilized for petitioner.
10. The present writ petition is disposed of in above terms.

December 13, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No