

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

105

CWP-23629-2022
Date of Decision: 02.04.2024

TAHIR HUSSAIN

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Rahul Noorie, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the impugned order dated 29.10.2021 passed by respondent No.2- Transport Commissioner, Haryana, whereby the genuine claim of the petitioner seeking not to conduct driving test again of the candidates who obtained certificate from the petitioner's school has been rejected.

Short reply by way of an affidavit of Manita Malik, Additional Transport Commissioner, Haryana has been filed wherein it has been averred that earlier the exemption from test was granted by the Transport Commissioner, whereas, as per the provisions contained in Motor Vehicles Act, 1988 and the Rules framed thereunder, the exemption from test of competence to obtain a Driving Licence was granted only to those institutions that were recognized by the State Government. The Transport Commissioner, Haryana was thus not empowered or authorised under the Statute to grant any such exemption. Considering the same, the policy was notified by the State on

03.11.2017 withdrawing the powers of exemption of the test of competence on the basis of the Driving Training Certificate issued by the private driving training schools authorized by the Transport Commissioner, Haryana.

In view of the above short reply, the counsel appearing on behalf of the petitioner seeks withdrawal of the instant petition at this stage with liberty to file an appropriate petition raising a challenge to the policy dated 03.11.2017 (supra) , if so advised and in accordance with law.

Disposed of as withdrawn with the liberty as aforesaid.

APRIL 02, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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