CGHC010332032026 2026:CGHC:43199

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4415 of 2026

1 - Yashdeep Singh Saini S/o Sardar Gurmel Singh Saini Aged About 56 Years R/o Sunder Nagar Raipur (C.G.) Presently R/o Flat No. 201, Sriram Heritage Building Mainroad, Katora Talab, Raipur, District- Raipur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Transport, Mantralaya, Mahanadi Bhawan, New Raipur (C.G.)

2 - The Licensing Authority, Regional Transport Office, Ranvabhata, Opp- Maa Banjari Temple, Raipur Distt- Raipur (C.G.)

3 - Regional Transport Officer, Ranvabhata, Opp- Maa Banjari Temple, Raipur Distt- Raipur (C.G.)

----Respondents

(Cause-title taken from Case Information System)

For Petitioner : Mr. B.L. Dembra, Advocate
For Respondent/State : Mr. Anil Kumar Pandey, G.A.

Hon'ble Shri Amitendra Kishore Prasad, Judge
Order on Board

06/10/2026

1. The present petition has been preferred against the illegal and arbitrary action of the respondent authorities, whereby they are not renewing the licence of the petitioner despite the direction issued by this Hon'ble Court in W.P.C. No. 2323/2026 vide order dated 08.05.2026. The respondent authorities are compelling the petitioner to submit a certificate in respect of the two-day training programme (Refresher Training), which is not applicable to the petitioner as per letter dated 30.12.2021. Hence, this petition.

2. Learned counsel for the petitioner submits that the petitioner was holding a Heavy Motor Vehicle (HMV) licence, which expired on 20.12.2025. Prior to its expiry, the petitioner had already submitted

an application for renewal of the said licence on 21.11.2025; however, the said application has not been decided till date. He further submits that the petitioner is a trained driver and, therefore, the condition of undergoing refresher training is not applicable to him for renewal of the licence. However, the respondent-authorities are not considering this aspect and are insisting upon the petitioner to undergo two days' training in terms of the memo dated 27.04.2022. Hence, the petitioner has filed the present petition.

3. On the other hand, learned State Counsel submits that the said refresher training is equally applicable to holders of HMV licences seeking renewal thereof and, therefore, the petitioner is required to undergo the said training.

4. Having considered the submissions of learned counsel for the parties and having perused the records, particularly the fact that the petitioner is a trained driver and has been driving heavy motor vehicles for the last 20 years, it appears that the said training requirement is intended for freshers or for persons whose licence is being upgraded from LMV to HMV. Therefore, the case of the petitioner is required to be considered afresh without insisting upon him to undergo the said training, subject to the decision to be taken by the competent authority.

5. Sub-sections (1) to (3) of Section 9 of the Motor Vehicle Act 1988 read as follows

> ***9. Grant of driving licence***
>
> *(1) Any person who is not for the time being disqualified for holding or obtaining a driving licence may apply to any licensing authority in the State*
>
> *(i) in which he ordinarily resides or carries on business, or*
>
> *(ii) in which the school or establishment referred to in section 12 from where he is receiving or has received instruction in driving a motor vehicle is*

situated, for the issue to him of a driving licence.

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such fee and such documents as may be prescribed by the Central Government.

(3) If the applicant passes such test as may be prescribed by the Central Government, he shall be issued the driving licence:

Provided that no such test shall be necessary where the applicant produces proof to show that-

(a)(i) the applicant has previously held a driving licence to drive such class of vehicle and that the period between the data of expiry of that licence and the date of the application does not exceed five years, or

(ii) the applicant holds or has previously held a driving licence to drive such class of vehicle issued under section 18 or

(iii) the applicant holds a driving licence to drive such class of vehicle issued by a competent authority of any country. outside India, subject to the condition that the applicant complies with the provisions of sub-section (3) of section 8.

(b) the applicant is not suffering from any disability which is likely to cause the driving by him to be a source of danger to the public; and the licensing authority may, for that purpose. require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8:

Provided further that a driving licence for driving an adapted vehicle may be issued to the applicant, if the

licensing authority is satisfied that he is fit to drive such motor vehicle.

Clause (a) (i) to the first proviso to Section 9(3) would indicate that for grant of Driving Licence, no prescribed test is necessary, if the applicant produces proof to show that the applicant has previously held a Driving Licence and that the period between the date of expiry of that licence and the date of the application does not exceed five years.

6. However, the Motor Vehicles Act, 1988 has undergone comprehensive amendments as per Act No. 32 of 2019 with effect from 01.09.2019. Though Section 9(3) did not undergo amendment, Section 15 which specifically deals with renewal of Driving Licences, was subjected to amendment. After the amendment, Section 15 reads as follows:-

15. Renewal of driving licences:-

(1) Any licensing authority may, on application made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry:

Provided that in any case where the application for the renewal of a licence is made either one year prior to date of its expiry or within one year after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal:

Provided further that where the application is for the renewal of a licence to drive a transport vehicle or where in any other case the applicant has attained the age of forty years, the same shall be accompanied by a medical certificate in thesame form and in the same manner as is referred to in sub-section (3) of section 8, and the provisions of

sub-section (4) of section 8 shall, so far as may be, apply in relation to every such case as they apply in relation to a learner's licence.

(2) An application for the renewal of a driving licence shall be made in such form and accompanied by such documents as may be prescribed by the Central Government.

(3) Where an application for the renewal of a driving licence is made previous to, or not more than one year after the date of its expiry, the fee payable for such renewal shall be such as may be prescribed by the Central Government in this behalf.

(4) Where an application for the renewal of a driving licence is made more than one year after the date of its expiry, the fee payable for such renewal shall be such amount as may be prescribed by the Central Government:

Provided that the fee referred to in subsection (3) may be accepted by the licensing authority in respect of an application for the renewal of a driving licence made under this sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from applying within the time specified in sub-section (3):

Provided further that if the application is made more than one year after the driving licence has ceased to be effective, the licensing authority shall refuse to renew the driving licence, unless the applicant undergoes and passes to its satisfaction the test of competence to drive referred to in subsection (3) of section 9.

(5) Where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed by the Central Government.

(6) Where the authority renewing the driving licence is not the authority which issued the driving licence it shall intimate the fact of renewal to the authority which issued the driving licence.

7. Considering the aforesaid aspect, the respondent-authorities are directed to consider the case of the petitioner in the light of the aforesaid provision. Since the application for renewal was submitted in the year 2025, the respondent-authorities are directed to take a decision on the same within a period of 30 days from the date of receipt of a copy of this order, in accordance with law.

8. With the aforesaid directions, the present writ petition stands disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Jyoti