

(2015) 01 GUJ CK 0071
In the Gujarat High Court
Case No : Writ Petition (PIL) No. 272 of 2014

Bhupendra Mangaldas Patel

APPELLANT

Vs

State of Gujarat and Others

RESPONDENT

Date of Decision : 19-01-2015

Acts Referred:

Citation : (2015) 2 ACC 746 : AIR 2015 Guj 65

Hon'ble Judges : V.M. Sahai, A.C.J; R.P. Dholaria, J

Bench : Division Bench

Advocate : Percy Kavina, Senior Counsel assisted by Ramkrishna B. Dave, for the Appellant; Kamal B. Trivedi, Advocate General, assisted by Sangita Vishen, A.G.P., Advocates for the Respondent

Final Decision : Dismissed

Judgement

V.M. Sahai, Actg. C.J.

1. We have heard Mr. Percy Kavina, learned Senior Counsel assisted by Mr. Ramkrishna B. Dave, learned counsel appearing for the petitioner, Mr. Kamal B. Trivedi, learned Advocate General assisted by Ms. Sangita K. Vishen, learned Assistant Government Pleader appearing for the respondents. This writ petition in the nature of Public Interest Litigation has been filed by the petitioner on the ground that State of Gujarat is taking Automated Driving Test on the track and only four tests are being carried out instead of 24 tests as prescribed by Rule 15 of the Central Motor Vehicles Rules, 1989 (hereinafter referred to as "the Rules").

2. An affidavit-in-reply has been filed by the respondents wherein it has been categorically stated in paragraph 3 that all tests are being done by the respondents in accordance with the provisions of the Rules and licenses are being issued to the applicants by following the procedure as laid down in the Rules. It has further been stated that Automated Driving Track has been created and after passing that test, driving licenses are being issued. Further, the test being stringent, only 60% applicants are clearing the tests as it requires skill and

competency to drive the vehicle which is being tested by the Automated Driving track. Paragraph 8 of the affidavit-in-reply is extracted below:--

"8. Keeping the aforesaid aspects in mind, it was thought expedient in the larger public interest to have introduced a test with such stringent modes, so as to see that the applicant driver proves his ability of driving skill to the hilt and with minimum human interference, at the same time inclusive of all the tests prescribed in Rule 15 of the Rules. I respectfully say that the objectives behind the said system are as under:--

- (i) To bring transparency in day-to-day operations in RTO
- (ii) To standardize and automate the procedure of evaluating the driving skill of a vehicle driver to grant a driving license.
- (iii) To make driving safe on roads.
- (iv) To make available data for analysis and decision-making process for upgrading the driving skills.
- (v) To introduce faster and efficient testing of driving skills.
- (vi) To reduce manual communication and information delays."

3. From perusal of the above mentioned paragraph 8 of the reply, it appears that the respondents are taking stringent driving test where the applicant is required to prove his driving ability and skill with minimum human interference and has to pass the test prescribed by Rule 15. In paragraph 10 of the affidavit-in-reply, detailed procedure which the respondents are following has been mentioned. Paragraph 10 of the affidavit-in-reply is extracted below:--

"10. I respectfully say that the following tests clearly suggest that they are in consonance with the provisions of the Act and the Rules and thus, the contention raised by the petitioner in para 5 is without any basis, the same having been set out in a distorted fashion, without giving the detailed idea of the tests. I respectfully say that the following are the facets for issuance of the driving license:--

- (i) Knowledge test;
- (ii) Driving test.

10.1 Re: Knowledge Test

I respectfully say that the knowledge test consist of the following:

- (i) Computerized test, having objective type questions;
- (ii) 15 random questions to be answered (10 minutes), minimum 11 questions to be correctly answered.
- (iii) Random questions picked up by the computer from amongst 200 questions

already fed in the question bank, followed by the declaration of result immediately upon completion of answering 11 questions correctly.

10.2 Re: Driving Test for 4-wheelers:

So far as driving test is concerned, the same consists of the following:--

(i) Up-gradient test:

The candidate has to undergo up-gradient test. In this test, the candidate drives the 4-wheeler vehicle on an up-gradient without any backward movement. When the candidate is asked to proceed with the test, he/she should be in a position that the vehicle is driven within the specified area. If the vehicle is in proper position, a green light glows; then the candidate has to switch off the engine and apply the vehicle's handbrake. If the vehicle is not positioned properly, the red signal will glow. When the light is green, the candidate receives manual signal to start the vehicle and move forward. Any backward movement during the test is measured through appropriate number of sensors placed beneath the surface. Backward movement covering not more than 4 sensors is considered as "pass".

(ii) Forward "8" test:

After existing the up-gradient test, the candidate goes through the forward "8" test. In this test, the candidate drives the vehicle within a specified time in the forward direction, on a track shaped like the digit "8". Sensors are positioned to mark the track edge. This track has appropriate numbers of sensors placed beneath the surface. (Sensors are ideally placed at every 1 mtrs). The length of the track is decided by Commissioner of Transport depending upon land availability and site location.

(iii) Reverse Parallel Parking Test:

After existing the forward "8" test, the candidate goes through the reverse parallel parking test. In this test, candidate has to park the vehicle in specified space. Once the green light glows, the candidate starts the car, moves forward to cross the start line, reverses the car and parks within the specified area, within specified time. (When the candidate crosses the start line, the signal turns into red). The candidate waits for the green light to glow again and then drives the car in forward direction and crosses the stop line. When the vehicle crosses the start line, a sensor activates the timer in the dedicated computer. The computer monitors the time and touch with any sensor in the test area. This track has appropriate numbers of sensors placed beneath the surface.

(iv) Reverse "S" Test:

After the reverse parallel parking test, the candidate proceeds to the reverse "S" test. In this test, the candidate has to drive in the backward direction on a track shaped like the English alphabet "S". When the vehicle crosses the start line, a sensor activates the timer in the dedicated computer. The computer monitors the time and touch with any sensor in the test area. This track has appropriate

numbers of sensors placed beneath the surface (sensors are ideally placed at every 1 mtrs.).

10.3 Re: Driving Test for 2-wheelers:

After existing the identification, the candidate has to proceed to this test. In this test, the candidate should have the vehicle, within a specified time, in the forward direction, on a narrow serpentine track with multiple turns. Sensors are positioned to mark the track edge. This track has appropriate number of sensors placed beneath the surface."

4. From the aforesaid facts, it is amply clear that the track consists of Wireless Sensor-based Weather Poof System coupled with Automatic Video Recording of all tests and capturing photographs of the drivers in the midst of driving test and if a candidate is unable to pass the test, after some time, he can again give the test. The entire test for grant of driving license conducted by the respondents which is known as Automated Driving Test is technology based and is conducted through series of sensors. All the tracks are integrated with sensor controlled software which exactly illustrates the test carried out. Radio Frequency Identification Device reader has been installed at the track system and owing to the integration of every track with sensor-controlled software, it certifies the ability of the driver who has given the test.

5. Learned Senior Counsel Mr. P.C. Kavina appearing for the petitioner has vehemently argued that only four tests out of twenty four tests prescribed under Rule 15 of the Rules are being conducted by the respondents. Hence, the respondents may be directed to conduct all the tests prescribed under the Rules.

6. We are not in agreement with the argument of learned Senior Counsel Mr. Kavina in view of various use of various sensors and Radio Frequency Identification Device reader as well as Automated Driving Test which is, in our opinion, based on technology which reduces the chance of any favouritism to a particular driver and a candidate who passes through the examination can only be granted license. In our opinion, this Automated Driving Test is in the interest of general public and not contrary to public interest. For the aforesaid reasons, we do not find any merits in this Public Interest Litigation. Hence, the present writ petition in the nature of Public Interest Litigation is accordingly dismissed. Notice is discharged. There shall be no order as to costs.