

**(1992) 07 AHC CK 0078**  
**In the Allahabad High Court**  
**Case No : Civil Misc. Writ No. 23043 of 1992**

Jain Motor Driving Training College

APPELLANT

Vs

Deputy Transport Commissioner, Meerut Zone and Others

RESPONDENT

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**Date of Decision :** 23-07-1992

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 12, 9, 9(1)

**Citation :** (1992) 3 AWC 1640

**Hon'ble Judges :** M.K. Mukherjee, C.J.; R.A. Sharma, J

**Bench :** Division Bench

**Advocate :** V.S. Shukla and L.P. Naithani, for the Appellant;

**Final Decision :** Allowed

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## Judgement

M.K. Mukherjee, C.J.—The Petitioner before us is a motor driving training College of Muzaffarnagar, which possesses a valid licence to impart instructions in driving of motor vehicles. It has filed this writ petition assailing an office order dated June 2, 1992, issued by the Deputy Transport Commissioner, Meerut Region ("Commissioner" for short), whereby, it claims, its right to carry on business has been seriously affected. According to it, the impugned order is de-hors Section 9 of the Motor Vehicles Act, 1988 ("Act" for short).

2. To appreciate the contentions of the Petitioner, it will be apposite at this stage to refer to the contents of the impugned office order. In the order it has been first stated that it has often been seen that on the basis of certificates issued by recognised driving training schools of one District, driving licences are being granted by the licensing authorities of other Districts while there is licensing office in the District concerned from where they (the schools) can get licences for their trainees after test. It has next been stated therein that under the Motor Vehicles Rules, the owner of the school trainer has to produce his trainees for test by the vehicle of his school before the licensing authority and the latter is to pass necessary orders regarding grant of licence on the basis of the test. It has lastly been stated in the said order that Section 9 of the Act lays down that

licence u/s 12 is to be issued by the licensing authority of the District in which the recognised training school is situated. On the basis of the aforesaid statements, the Commissioner has directed, by the impugned order, all the licensing authorities of his region that in the matter of grant of licences they should ensure strict compliance with the provisions of the Act and issue licences after all the formalities are complete.

3. In assailing the above office order, Mr. Naithani, the learned Counsel appearing for the Petitioner, has first submitted that in view of the clear provisions of Section 9(1) of the Act, there is no legal embargo on grant of a driving licence to a resident of one District by the appropriate authority of that District even if he had received instructions in driving in a motor driving training school situated in another District. Besides, Mr. Naithani has next submitted, the Central Rules framed under the Act nowhere lays down that the owner of the school/trainer has to produce his trainees for test by the vehicle of his school before the licensing authority, has stated by the Commissioner in the impugned order.

4. On perusal of the relevant provisions of the Act and the Rules, we feel no hesitation in accepting both the contentions of Mr. Naithani.

5. Section 9 of the Act lays down the procedure for grant of a driving licence and the Section so far as it is relevant for our present purposes, reads as under:

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 the licensing authority having jurisdiction in the area

(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 of a driving licence.

(2) ....

A plain reading of the above quoted Clauses (i) and (ii) unmistakably shows that the licensing authority having jurisdiction in a particular area can grant driving licence to any person who resides or carries on business in his area or (emphasis added) in which the school or establishment referred to in Section 12, from which he was receiving instructions in driving, is situated. Therefore, even though the Petitioner is of Muzaffarnagar, a person residing or carrying on business within the region of Meerut can justifiably apply for driving licence, armed with a driving certificate issued in accordance with law by the Petitioner, before the appropriate authority of the said region.

6. As regards the other contention of Mr. Naithani, our attention has not been drawn on behalf of the Respondent-State of the rule referred to by the Commissioner.

7. On the conclusions as above, we allow this writ petition and quash the impugned office order dated June 2, 1992.