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**(2001) 01 AP CK 0072**  
**In the Andhra Pradesh High Court**  
**Case No : Writ Petition No. 4287 of 1992**

Mohd. Abdul Wahab

APPELLANT

Vs

State of A.P. and others

RESPONDENT

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**Date of Decision :** 23-01-2001

**Acts Referred:**

Motor Vehicles Act, 1939 — Section 21, 7(4)  
Motor Vehicles Act, 1988 — Section 30(3), 8(3)

**Citation :** AIR 2001 AP 225 : (2001) 2 ALD 183 : (2001) 2 ALT 105

**Hon'ble Judges :** V. Eswaraiah, J

**Bench :** Single Bench

**Advocate :** Mr. Mohd. Ghulam Hussain, for the Appellant; Government Pleader for Transport, for the Respondent

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## Judgement

V. Eswaraiah, J.—Heard the learned Counsel for the petitioner and the learned Government Pleader for Transport.

2. The petitioner, who is a Registered Medical Practitioner in Homeopathy and Unani, filed this writ petition questioning the notification issued by the Government in G.O. Ms. No.25, Transport, Roads and Buildings (Tr.II) Department, dated 6-2-1992. It is stated that the Transport Authorities under the Old Motor Vehicles Act used to accept the Medical Certificates issued by any Registered Medical Practitioner, such as the petitioner, even without possessing the MBBS Degree or its equivalent, but after the new Motor Vehicles Act came into force, the 1st respondent has issued a notification in G.O. Ms. No.25, Transport, Roads and Buildings (Tr.II) Department, dated 6-2-1992 declaring that the Registered Medical Practitioners possessing the Degree of MBBS in Allopathic or any equivalent qualification of any University in India alone are empowered to issue Medical Certificate for the purpose of obtaining the Learner's Licence and Conductor's Licence, and thus, it is submitted that when the Authorities have been accepting the Medical Certificates issued by the Registered Medical Practitioners in Homeopathy and Unani and Allopathic, there is no justification in

issuing such a notification. It is further stated that when the Transport Authorities started insisting upon the Medical Certificates to be issued by the Registered Medical Practitioners possessing the Degree of MBBS in Allopathic alone, WP Nos. 8668 of 1981 and 13017 of 1986 were filed, which were allowed on 14-4-1987 and 3-8-1987 respectively.

3. Admittedly, no notification has been issued by the State Government under Sections 7(4) and 21-B of the old Motor Vehicles Act, 1939, which are corresponding to Sections 8(3) and 30(3) of the new Motor Vehicles Act, 1988. The learned Government Pleader for Transport submits that as there is no notification issued by the Government in exercise of the powers under Sections 7(4) and 21-B of the old Motor Vehicles Act, 1939, the Transport Authorities used to accept the certificates issued by any Medical Practitioners irrespective of qualification of MBBS in Allopathic; but it is submitted that in view of the notification issued under Sections 8(3) and 30(3) of the Motor Vehicles Act, 1988 read with Rules 43 and 77 of the Andhra Pradesh Motor Vehicles Rules, 1989, it cannot be said that the said G.O. is illegal and arbitrary and without any authority of law.

4. The learned Government Pleader further submits that to certify the Physical fitness to be given by the applicant in Form (a) to (g) of Part-I and (a) to (c) under Part II of Form I, the Registered Medical Practitioners with the minimum qualification of MBBS in Allopathic alone are competent and qualified; but the Homeo and Unani Registered Medical Practitioners have no special qualification or any study in such course to issue such physical fitness certificates, i.e., with regard to the applicants suffering from other ailments like hypertension, epilepsy, vision, and/ or colour blindness etc. The Registered Medical Practitioners possessing the minimum qualification in MBBS in Allopathic alone can examine and certify as to whether a particular person is suffering from other ailments, such as, hyper-tension, epilepsy, vision and/or colour blindness, and therefore, ordinary Registered Medical Practitioners in Ayurveda, Homeopathy and Unani have no special course to test and issue such medical certificates, and therefore, the medical certificates, issued by them cannot be accepted, and therefore, the Government, after having considered the relevant factors, issued the notification.

5. In view of the aforesaid reasoning, it cannot be said that the notification issued by the Government is illegal, arbitrary or without any authority of law, and I therefore, do not see any merit to set aside the same. The writ petition is accordingly dismissed. No costs.