

(1995) 10 DEL CK 0004

In the Delhi High Court

Case No : Civil Writ Petition No's. 2970, 3004, 3040, 3120, 3425, 3457, 3665, 3669 of 1995, 1223 of 1994

Tour Coordinator Association

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 20-10-1995

Acts Referred:

Citation : (1995) 60 DLT 709 : (1995) 35 DRJ 418

Hon'ble Judges : Dr. M.K. Sharma, J;Devinder Gupta, J

Bench : Division Bench

Advocate : A. Malviya, Anjana Gosain, Subhash Oberoi, K.P. Sood, T.K. Gopinath, P.S. Sharma, B. Babbar and A.K. Dutta, for the Appellant;

Judgement

M.K. Sharma, J.

(1) Since these writ petitions involve the identical facts and raise similar issues we propose to dispose of these writ petitions by one common order.

(2) The writ petitioners are engaged in the profession of Tourist Guides/Escorts and being engaged by various travel agencies of repute for the purpose of taking the foreign tourists to the various monuments and historical places and other places of interest including Delhi, Agra, Jaipur etc. for a number of years. Some of the petitioners herein have also successfully completed the course conducted by the Indian Association of Tour Operators and Travel Agents Association of India. The petitioners in Civil Writ Petitions No. 3120/ 1995 and 2970/1995 fall in the said category. The petitioners however, have not been provided with any license for the purpose of working as Tourist Guides/ Escorts as required under Rule 8(d) of the Ancient Monuments and Archaeological Sites and Remains Rules, 1969. The grievance of the petitioners, as it appears from the various writ petitions put up before us for our decision was that for the last many years and atleast since 1984 no examination or test had been held by the respondents to grant licenses to the petitioners though they had been working as such for all this period. The petitioners further stated before us that for the purpose of

granting such a license to the petitioners as Tourist Guides some of them approached this court earlier by means of a writ petition which was disposed of by a common order and judgment by this court. The petitioners have annexed a copy of the aforesaid judgment and order passed by this court on 16.11.1994 in the various Civil Writ petitions including C.W.P. 741/1994. By the aforesaid judgment and order this court directed that the respondents should hold the necessary examination/test for grant of license to the petitioners as Tourist Guides and that till such time the examination is held and results are declared all the petitioners in the writ petition would continue to work as Tourist/Escorts subject to the condition that there shall not be any complaint against any one of them.

(3) The petitioners now allege before us that inspire of the aforesaid judgment and order passed by this court directing for holding of the examination/test for grant of license to the petitioner as Tourist Guides no such examination has been held so far and instead the petitioners are being restrained from working as Tourist Guides and Therefore, the petitioners seek directions from this court to implement the direction given in the earlier writ petition by this court referred to above.

(4) The respondents have filed a counter affidavit in C.W.3120/1995 contending inter alias that the department has already invited applications for appearing in the written test and interview for Guide Training Course which has also been published in the National Newspapers. It is further stated that the course conducted by the Indian Association of Tour Operators and Travel Agents Association of India is not approved by the Archaeological Survey of India although the same is approved by the Department. It has been further stated by respondent No.2 that since there is shortage of licensed Guides they have decided to hold the aforesaid written test and interview for the Guide Training course and for that purpose taking into consideration the qualifications of the petitioners who have successfully passed the course of Tour Coordinators held in 1992, the department is willing to exempt those candidates from taking the entrance examination and that they would also be given age relaxation but they have to undergo three months" Guide Training Course before they are recognised as Tourist Guides.

(5) We have heard the learned counsel for the petitioners as also the learned counsel appearing for the respondents. In view of the statements made in the counter affidavit we are inclined to issue the following directions:

(A) THE respondents shall issue necessary orders exempting those candidates from taking entrance examination for Guide Training Course who have successfully passed the course of Tour Coordinators but with a specific direction that they would have to undergo 3 months Guide Training Programme before they could be recognised as Tourist Guides. (b)The respondents shall hold the examination/test for Guide Training Course under the Rules, preferably within 3 months from today after publicly notifying about the aforesaid exemption to the

candidates successfully completing the Tour Coordinator Course. (c)The respondents shall hold the comprehensive test at the end of the guide training course and on successful completion thereof would grant the license as Tourist Guide/Escorts in accordance with Rules. The entire process for granting of the licenses to the petitioners should be completed positively, as per Rules, within a course of eight months from today.

(6) Till licenses are granted to the petitioners as per Rules the petitioners in these writ petitions shall continue to work as Tourist Guides/Escorts subject to the condition that there shall be no complaint against any one of them. If there is any complaint against any one of the petitioners, the respondents shall be entitled to take action against them as per law and even debar them from taking the examination/test or withhold the result of examination/test. This order shall continue till the results are declared. The successful petitioners shall continue to work as Tourist Guides till licenses are granted to them as per rules and the petitioners who fail to qualify the examinations/test they shall cease to work as Tourist Guides forthwith.

(7) With the aforesaid observations these writ petitions stand disposed of but without any order as to costs.