



2025 INSC 1452

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEALS NO. _____ OF 2025
[@ SPECIAL LEAVE PETITIONS (CIVIL) NO.8684-8688 OF 2024]

TELANGANA STATE LEVEL POLICE RECRUITMENT BOARD

...APPELLANT¹

VERSUS

PENJARLA VIJAY KUMAR & ORS. ETC.

...RESPONDENTS

*[Respondents in Civil Appeal No. _____ of 2025 @ SLP (C)
No.8684/2025]*

R1: PENJARLA VIJAY KUMAR

R2: GANDU VIKRAM GOUD

R3: KAPPERA CHANDRAIAH

R4: THIRUNAGARI MURALI KRISHNA

R5: NALLAGONI SAGAR

R6: KARIJALA ANIL

R7: GUJJA MAHESH

R8: THONDA MALLESH

R9: KAVALI SADANANDAM

R10: MUTHINENI YAKANNA

R11: CHITYALA NAVEEN

R12: SARIKONDA GANESH KUMAR

R13: KADARI SRINIVAS

R14: KETHAVATH BHARATH

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VARSHA MENON
Date: 2025.06.12
17:06:03 IST
Reason:

¹ Common Appellant in all the appeals emanating from Special Leave Petitions (Civil) No.8684-8688/2024.

R15: SUGURU SHIVUDU
R16: PALLELA VEERAIAH
R17: SHEIK RIYAZ
R18: SHEIK FAYAZ
R19: KETHAVATH HANUMA NAIK
R20: MAJLIKARJUN
R21: OSMAN
R22: DURGAM PRAVEEN KUMAR
R23: NAREDLU VENKATESH
R24: PATTIPATI MAHESH
R25: DUNN SAIKUMAR
R26: BATTHULA VENKATESH
R27: KOLA ROHITH
R28: G JAYARAMUDU
R29: BANDLA SANDEEP
R30: KANDRESAI CHARAN
R31: KYADASI KIRAN KUMAR
R32: REDDY PAVAN
R33: THE STATE OF TELANGANA REP BY ITS PRINCIPAL
SECRETARY HOME DEPARTMENT

*[Respondents in Civil Appeal No._____ of 2025 @ SLP (C)
No.8685/2025]*

R1: MANGA SHIVUDU
R2: K SRINIVAS
R3: GUGULOTH RAMESH
R4: KADEM SAIKIRAN
R5: CHIKKUDU PRASAD
R6: GANDA SIRI MAHESH
R7: MD MAZAHAR

R8: JETTY SAI KRISHNA

R9: KUMMARI KRISHNA

R10: SHAIK RAFI

R11: BONKURU SRINIVASULU

R12: THE STATE OF TELANGANA REP BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT HOME DEPARTMENT

*[Respondents in Civil Appeal No._____ of 2025 @ SLP (C)
No.8686/2025]*

R1: GUMMA GANGARAJU

R2: THE STATE OF TELANGANA, REP. BY ITS PRINCIPAL
SECRETARY, HOME DEPARTMENT

*[Respondents in Civil Appeal No._____ of 2025 @ SLP (C)
No.8687/2025]*

R1: MOHAMMAD SADDAM HUSSAIN

R2: PESARI KARTHIK

R3: BANOTHU SANTHOSH KUMAR

R4: KUNCHAM ADITYA

R5: ANKURI LAVAKUMAR

R6: SOMIDI VENKATESH

R7: KETHAVATH HANMANTHU

R8: PANDYALA RAMESH

R9: GUNDU NAGENDRABABU

R10: SAPAVAT GOPAL

R11: ANUPATI NARESH

R12: DHURUMUTLA MADHU

R13: KISHAN VADTHYA

R14: BARLA ANIL KUMAR

R15: CHINAPANGU VINODKUMAR

R16: ARUTLA ADITYA
R17: GADIGE SRIKANTH
R18: CHIKATI SRINU
R19: MANDALL SATHEESH
R20: NAKKA VIJAY KUMAR
R21: RAPARTHI RAJU
R22: JANAGARI ASHOK
R23: DONTULA RAVI
R24: MOLUGU SRIKANTH KUMAR
R25: YERRA RAJU
R26: VENKANNA DARAVATH
R27: PILLI SURYA PRAKASH
R28: MOGILL RAVI
R29: JADALA UPENDRABABU
R30: THE STATE OF TELANGANA REP. BY ITS PRINCIPAL
SECRETARY TO GOVT, HOME DEPARTMENT

*[Respondents in Civil Appeal No._____ of 2025 @ SLP (C)
No.8688/2025]*

R1: K. RAMESH
R2: NENAVATH ASHOK NAIK
R3: A. KRUSHNAIAH
R4: KOLA KRISHNA
R5: THE STATE OF TELANGANA REP BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT, HOME DEPARTMENT

WITH

CIVIL APPEAL NO. _____ OF 2025
[@ SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2025]

[@DIARY NO.12553/2024]²

RAMAVATH SURESH AND ORS. ETC.

...APPELLANTS

VERSUS

PENJARLA VIJAY KUMAR AND ORS ETC.

...RESPONDENTS

*[Parties in C.A. No._____ of 2025 @ SLP (C) No._____ of 2025 @
D.No. 12553 of 2024 against W.A. No. 877 of 2023]*

A1: RAMAVATH SURESH

A2: LAKAVATH JEETHENDAR

A3: KONDA KOMARELLI

A4: CH. KUMAR

A5: SAPAVAT RAMARAO

A6: RAVULA KRANTHI

A7: BOBBILI PRANAY KUMAR

A8: JITENDER REDDY

A9: SURIGI SUDHAKAR

A10: GURRAM SATEESH

A11: BANDARI KALYAN

A12: PERA LAXMI NARAYANA

A13: NAGULA RANJITH

A14: THEEGALA VENKATA SAI

A15: GUNDA SRINIVAS

A16: MANCHALA KARTHEEK

A17: VILASAGARAPU HARISH

A18: MYADARABOINA YOHAN

A19: POTHARAVENI PRASHANTH

A20: THEDLA RAMCHANDAR

A21: K RAGHUNANDHAN GOUD

² Directed against the Impugned Judgment in W.A. Nos.877, 972, 973, 974 & W.A.(SR) No.38269 of 2023.

A22: MUSINI RAMESH
A23: JANAPATI RAMESH
A24: BHUKYA VEERANNA
A25: KESUPAKA RAGHURAM
A26: PERNI NARESH
A27: AMMULA RAMESH
A28: BOLLOJU VENKATESWARA RAO
A29: KASANI SRIKANTH
A30: BANALA NARESH
A31: V. SAI RAM
A32: NAGARABOINA NAVEEN
A33: MD. SALEEM
A34: KOYYADA SATHEESH
A35: JANGAM RAJU
A36: G. RAJENDER GOUD
A37: KORRA SURESH
A38: PALLAPU SAI KUMAR
A39: KAVERI BANESH
A40: V. MOTILAL

VERSUS

R1: PENJARLA VIJAY KUMAR
R2: GANDU VIKRAM GOUD
R3: KAPPERA CHANDRAIAH
R4: THIRUNAGARI MURALI KRISHNA
R5: NALLAGONI SAGAR
R6: KARIJALA ANIL
R7: GUJJA MAHESH
R8: THONDA MALLESH
R9: KAVALI SADANANDAM
R10: MUTHINENI YAKANNA

R11: CHITYALA NAVEEN

R12: SARIKONDA GANESH KUMAR

R13: KADARI SRINIVAS

R14: KETHAVATH BHARATH

R15: SUGURU SHIVUDU

R16: PALLELA VEERAIAH

R17: SHEIK RIYAZ

R18: SHEIK FAYAZ

R19: KETHAVATH HANUMA NAIK

R20: MALLIKARJUN

R21: OSMAN

R22: DURGAM PRAVEEN KUMAR

R23: NAREDLU VENKATESH

R24: PATTIPATI MAHESH

R25: DUNN SAIKUMAR

R26: BATTHULA VENKATESH

R27: KOLA ROHITH

R28: G JAYARAMUDU

R29: BANDLA SANDEEP

R30: KANDRE SAI CHARAN

R31: KYADASI KIRAN KUMAR

R32: REDDY PAVAN

R33: THE STATE OF TELANGANA REP BY ITS PRINCIPAL
SECRETARY, HOME DEPARTMENT

R34: THE TELANGANA STATE LEVEL POLICE RECRUITMENT
BOARD

*[Parties in C.A. No. _____ of 2025 @ SLP (C) No. _____ of 2025 @
D.No.12553 of 2024 against W.A. No.972 of 2023]*

A1: RAMAVATH SURESH

A2: LAKAVATH JEETHENDAR
A3: KONDA KOMARELLI
A4: CH. KUMAR
A5: SAPAVAT RAMARAO
A6: RAVULA KRANTHI
A7: BOBBILI PRANAY KUMAR
A8: JITENDER REDDY
A9: SURIGI SUDHAKAR
A10: GURRAM SATEESH
A11: BANDARI KALYAN
A12: PERA LAXMI NARAYANA
A13: NAGULA RANJITH
A14: THEEGALA VENKATA SAI
A15: GUNDA SRINIVAS
A16: MANCHALA KARTHEEK
A17: VILASAGARAPU HARISH
A18: MYADARABOINA YOHAN
A19: POTHARAVENI PRASHANTH
A20: THEDLA RAMCHANDAR
A21: K RAGHUNANDHAN GOUD
A22: MUSINI RAMESH
A23: JANAPATI RAMESH
A24: BHUKYA VEERANNA
A25: KESUPAKA RAGHURAM
A26: PERNI NARESH
A27: AMMULA RAMESH
A28: BOLLOJU VENKATESWARA RAO
A29: KASANI SRIKANTH
A30: BANALA NARESH
A31: V. SAI RAM

A32: NAGARABOINA NAVEEN

A33: MD. SALEEM

A34: KOYYADA SATHEESH

A35: JANGAM RAJU

A36: G. RAJENDER GOUD

A37: KORRA SURESH

A38: PALLAPU SAI KUMAR

A39: KAVERI BANESH

A40: V. MOTILAL

VERSUS

R1: MANGA SHIVUDU

R2: K SRINIVAS

R3: GUGULOTH RAMESH

R4: KADEM SAIKIRAN

R5: CHIKKUDU PRASAD

R6: GANDA SIRI MAHESH

R7: MD. MAZAHAR

R8: JETTY SAI KRISHNA

R9: KUMMARI KRISHNA

R10: SHAIK RAFI

R11: BONKURU SRINIVASULU

R12: THE STATE OF TELANGANA

R13: THE TELANGANA STATE LEVEL POLICE RECRUITMENT
BOARD

*[Parties in C.A. No. _____ of 2025 @ SLP (C) No. _____ of 2025 @ D.
No. 12553 of 2024 against W.A. No.973 of 2023]*

A1: RAMAVATH SURESH

A2: LAKAVATH JEETHENDAR

A3: KONDA KOMARELLI

A4: CH. KUMAR
A5: SAPAVAT RAMARAO
A6: RAVULA KRANTHI
A7: BOBBILI PRANAY KUMAR
A8: JITENDER REDDY
A9: SURIGI SUDHAKAR
A10: GURRAM SATEESH
A11: BANDARI KALYAN
A12: PERA LAXMI NARAYANA
A13: NAGULA RANJITH
A14: THEEGALA VENKATA SAI
A15: GUNDA SRINIVAS
A16: MANCHALA KARTHEEK
A17: VILASAGARAPU HARISH
A18: MYADARABOINA YOHAN
A19: POTHARAVENI PRASHANTH
A20: THEDLA RAMCHANDAR
A21: K RAGHUNANDHAN GOUD
A22: MUSINI RAMESH
A23: JANAPATI RAMESH
A24: BHUKYA VEERANNA
A25: KESUPAKA RAGHURAM
A26: PERNI NARESH
A27: AMMULA RAMESH
A28: BOLLOJU VENKATESWARA RAO
A29: KASANI SRIKANTH
A30: BANALA NARESH
A31: V. SAI RAM
A32: NAGARABOINA NAVEEN
A33: MD. SALEEM

A34: KOYYADA SATHEESH

A35: JANGAM RAJU

A36: G. RAJENDER GOUD

A37: KORRA SURESH

A38: PALLAPU SAI KUMAR

A39: KAVERI BANESH

A40: V. MOTILAL

VERSUS

R1: GUMMA GANGARAJU

R2: THE STATE OF TELANGANA REP BY ITS PRINCIPAL
SECRETARY HOME DEPARTMENT

R3: THE TELANGANA STATE LEVEL POLICE RECRUITMENT BOARD

*[Parties in C.A. No. _____ of 2025 @ SLP (C) No. _____ of 2025 @ D.
No. 12553 of 2024 against W.A. No.974 of 2023]*

A1: RAMAVATH SURESH

A2: LAKAVATH JEETHENDAR

A3: KONDA KOMARELLI

A4: CH. KUMAR

A5: SAPAVAT RAMARAO

A6: RAVULA KRANTHI

A7: BOBBILI PRANAY KUMAR

A8: JITENDER REDDY

A9: SURIGI SUDHAKAR

A10: GURRAM SATEESH

A11: BANDARI KALYAN

A12: PERA LAXMI NARAYANA

A13: NAGULA RANJITH

A14: THEEGALA VENKATA SAI

A15: GUNDA SRINIVAS

A16: MANCHALA KARTHEEK
A17: VILASAGARAPU HARISH
A18: MYADARABOINA YOHAN
A19: POTHARAVENI PRASHANTH
A20: THEDLA RAMCHANDAR
A21: K RAGHUNANDHAN GOUD
A22: MUSINI RAMESH
A23: JANAPATI RAMESH
A24: BHUKYA VEERANNA
A25: KESUPAKA RAGHURAM
A26: PERNI NARESH
A27: AMMULA RAMESH
A28: BOLLOJU VENKATESWARA RAO
A29: KASANI SRIKANTH
A30: BANALA NARESH
A31: V. SAI RAM
A32: NAGARABOINA NAVEEN
A33: MD. SALEEM
A34: KOYYADA SATHEESH
A35: JANGAM RAJU
A36: G. RAJENDER GOUD
A37: KORRA SURESH
A38: PALLAPU SAI KUMAR
A39: KAVERI BANESH
A40: V. MOTILAL

VERSUS

R1: MOHAMMAD SADDAM HUSSAIN
R2: PESARI KARTHIK
R3: BANOTHU SANTHOSH KUMAR
R4: KUNCHAM ADITYA

R5: ANKURI LAVAKUMAR
R6: SOMIDI VENKATESH
R7: KETHAVATH HANMANTHU
R8: PANDYALA RAMESH
R9: GUNDU NAGENDRABABU
R10: SAPAVAT GOPAL
R11: ANUPATI NARESH
R12: DHURUMUTLA MADHU
R13: KISHAN VADTHYA
R14: BARLA ANIL KUMAR
R15: CHINAPANGU VINODKUMAR
R16: ARUTLA ADITYA
R17: GADIGE SRIKANTH
R18: CHIKATI SRINU
R19: MANDALL SATHEESH
R20: NAKKA VIJAY KUMAR
R21: RAPARTHI RAJU
R22: JANAGARI ASHOK
R23: DONTULA RAVI
R24: MOLUGU SRIKANTH KUMAR
R25: YERRA RAJU
R26: VENKANNA DARAVATH
R27: PILLI SURYA PRAKASH
R28: MOGILL RAVI
R29: JADALA UPENDRABABU
R30: THE STATE OF TELANGANA REP. BY ITS PRINCIPAL
SECRETARY TO GOVT, HOME DEPARTMENT
R31: THE TELANGANA STATE LEVEL POLICE RECRUITMENT
BOARD

[Parties in C.A. No. _____ of 2025 @ SLP (C) No. _____ of 2025 @ D. No. 12553 of 2024 against W.A. No.38269 of 2023]

A1: RAMAVATH SURESH
A2: LAKAVATH JEETHENDAR
A3: KONDA KOMARELLI
A4: CH. KUMAR
A5: SAPAVAT RAMARAO
A6: RAVULA KRANTHI
A7: BOBBILI PRANAY KUMAR
A8: JITENDER REDDY
A9: SURIGI SUDHAKAR
A10: GURRAM SATEESH
A11: BANDARI KALYAN
A12: PERA LAXMI NARAYANA
A13: NAGULA RANJITH
A14: THEEGALA VENKATA SAI
A15: GUNDA SRINIVAS
A16: MANCHALA KARTHEEK
A17: VILASAGARAPU HARISH
A18: MYADARABOINA YOHAN
A19: POTHARAVENI PRASHANTH
A20: THEDLA RAMCHANDAR
A21: K RAGHUNANDHAN GOUD
A22: MUSINI RAMESH
A23: JANAPATI RAMESH
A24: BHUKYA VEERANNA
A25: KESUPAKA RAGHURAM
A26: PERNI NARESH
A27: AMMULA RAMESH
A28: BOLLOJU VENKATESWARA RAO

A29: KASANI SRIKANTH
A30: BANALA NARESH
A31: V. SAI RAM
A32: NAGARABOINA NAVEEN
A33: MD. SALEEM
A34: KOYYADA SATHEESH
A35: JANGAM RAJU
A36: G. RAJENDER GOUD
A37: KORRA SURESH
A38: PALLAPU SAI KUMAR
A39: KAVERI BANESH
A40: V. MOTILAL

VERSUS

R1: K. RAMESH
R2: NENAVATH ASHOK NAIK
R3: A. KRUSHNAIAH
R4: KOLA KRISHNA
R5: THE STATE OF TELANGANA REP BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT, HOME DEPARTMENT
R6: THE TELANGANA STATE LEVEL POLICE RECRUITMENT BOARD

J U D G M E N T

AHSANUDDIN AMANULLAH, J.

Delay condoned in Diary No.12553/2024.

2. I.A. No.74279/2024 seeking permission to file Special Leave Petitions is allowed in Diary No.12553/2024.

3. Leave granted in all petitions.

4. By way of the instant appeals, challenge is laid to the common Final Judgment and Order dated 03.10.2023 in WA No.877/2023 (against WP No.8571/2023), WA No.972/2023 (against WP No.8927/2023), WA No.973/2023 (against WP No.2365 of 2023), WA No.974/2023 (against WP No.6914/2023) and WA(SR) No.38269/2023 (against WP No.8988/2023) (hereinafter referred to as the 'Impugned Judgment') passed by a learned Division Bench of the High Court for the State of Telangana at Hyderabad (hereinafter referred to as the 'High Court'), whereby the Writ Appeals filed by the Appellant have been dismissed, affirming the Common Order dated 30.06.2023 passed by a learned Single Judge of the High Court in Writ Petitions No.8571, 8927, 2365, 6914 and 8988 of 2023. Though from the record it transpires that Writ Petitions No.7834, 7872, 8345, 8354, 8360, 8368, 8390, 8566, 8825, 8856 and 8859 of 2023 were also disposed of in similar terms as Writ Petitions No.8571, 8927, 2365, 6914 and 8988 of 2023 by the Single Judge, but writ appeals thereagainst were not preferred.

The reasons, we have been informed by learned counsel for the Appellant, are that before such appeals could be filed, the Judgment impugned was rendered by the Division Bench.

5. The first batch of Civil Appeals arising from SLP (Civil) Nos.8684-8688/2024 is directed against the Impugned Judgment of the Division Bench affirming the Judgment passed by the Single Judge, by which the underlying writ petitions filed by persons who claimed eligibility on the ground that though their driving licences³ had expired within a period which was two years prior to the date of Notification in continuity but who had got the same renewed after some gap, were allowed, holding them eligible for the recruitment process in question, whereas the Civil Appeals emanating from Diary No.12553 of 2024 are by persons challenging the Impugned Judgment, who possessed valid driving licences continuously for a period of two years prior to the date of the Notification(s), without any intervening disqualification/expiry.

³ We must clarify here that we have utilised both variants of the word in question, that is, '*licence*' as also '*license*' and their plurals, in this Judgment.

6. As the core issue involved is the same, these Civil Appeals are dealt with collectively. For the sake of convenience, facts in the Civil Appeal arising out of SLP (C) Nos.8684-8688 of 2024 are noticed.

FACTUAL OVERVIEW:

7. Briefly stated, the material facts are that on 25.04.2022 the Appellant/Telangana State Level Police Recruitment Board issued a Recruitment Notification to fill up 100 posts of Stipendiary Cadet Trainee (SCT) Police Constable (Drivers) (Men) in the Police Transport Organization. The Appellant issued another Notification dated 20.05.2022 to fill up 225 posts of Driver Operator in the Telangana State Disaster Response and Fire Services Department. In all, 325 posts of Drivers, as above, were notified to be recruited. One of the essential qualifications stipulated in the Notification dated 25.04.2022 was that the candidate must have possessed either Light Motor Vehicle, LMV (Transport with Badge Number) or Heavy Motor Vehicle licence (HMV Licence), or both together, continuously for a period of full two years and above as on the date of the Notification and similar condition in Notification dated 20.05.2022 was that

one must have possessed valid HMV Licence continuously for a period of two years and above as on date of the Notification.

8. The selection method consisted of skill test for 100 marks and written examination for 200 marks. Skill test was conducted between 02.03.2023 to 24.03.2023 and only those who had valid driving licences were allowed to participate in the written examination which was supposed to be held on 02.04.2023.

9. The private respondents were not allowed to participate in the written examination as they were not holding driving licences valid continuously for two years as on the date of the said Notifications due to which the private respondents approached the High Court by filing Writ Petition No.8571 of 2023 and analogous cases. The learned Single Judge by interim Orders dated 13.03.2023 and 28.03.2023 directed the Appellant to allow the private respondents who had renewed their driving licences within one year from the dates of expiry of their driving licences to participate in the future selection process of driving test and final written examination, but not to announce the results.

10. On 30.06.2023, the learned Single Judge allowed Writ Petition No.8571 of 2023 and analogous cases holding that there was no break in holding the driving licences, since post-renewal the validity of the licences take place from their dates of expiry and not dates of renewal. The learned Single Judge directed the Appellant to consider the candidatures of the private respondents by treating them as having valid driving licences for a continuous period of two years and to declare their results and then to proceed further in the selection process, in accordance with merit and in accordance with the terms and conditions as stipulated in the Notifications.

11. Against the Final Judgment/Order of the learned Single Judge dated 30.06.2023, the Appellant filed Writ Appeals No.877/2023, 972/2023, 973/2023, 974/2023 and WA(SR) No.38269/2023 before the Division Bench. By way of the Impugned Judgment, the Division Bench dismissed the Writ Appeals filed by appellant.

SUBMISSIONS ON BEHALF OF THE APPELLANT:

12. Learned senior counsel for the Appellant submitted that, pre-amendment, the proviso to Section 14 of The Motor Vehicles Act, 1988

(hereinafter referred to as the '1988 Act') provided that the licence shall continue to be effective for 30 days after expiry. Further, Section 15(1) of the 1988 Act provided that if an application for renewal is made within 30 days after the expiry of the licence, it may be renewed from the date of expiry. However, the first proviso to Section 15(1) of the 1988 Act stated that if the application was made after 30 days from the date of expiry, then the renewal shall be from the date of such renewal.

13. Learned senior counsel contended that the 1988 Act was amended by Parliament by passing Act No.32 of 2019 being The Motor Vehicles (Amendment) Act, 2019 (hereinafter referred to as the 'Amendment Act, 2019'). Relevant provisions of the Amendment Act, 2019 came into force on 01.09.2019, having been published in the Official Gazette on 09.08.2019, whereby the proviso to Section 15(1) of the 1988 Act was amended to the effect that the renewal shall be deemed to be effective from the date of the renewal and not from the date of expiry, in the event the application for renewal is made either one year prior to the date of its expiry or within one year after the date of its expiry.

14. Learned senior counsel submitted that if the application for renewal is made one year prior to the date of its expiry or within one year after the date of its expiry, the renewal date shall be deemed to be the date of actual renewal. It was submitted that through the Amendment Act, 2019, the Legislature has removed the grace period of 30 days, as noted hereinbefore. The proviso to Section 14 of the 1988 Act, which stated that the licence shall continue to be effective for 30 days after its expiry was deleted by the Amendment Act, 2019. Therefore, the post-amendment language adopted by the Legislature is clear and unambiguous; that the actual date of renewal shall be the effective date in all cases where the application is made either one year prior to date of expiry or within one year after the date of expiry, with the only distinction that if the application to renew the licence is made after one year from the date of its expiry, the authority shall refuse to renew the licence, unless fresh test of competence is undertaken by the applicant concerned.

15. Learned senior counsel for the Appellant argued that the Amendment Act, 2019 does not extend the 30 days grace-period, which was earlier provided, to one year. In fact, through the amendment, the Legislature has completely changed the language with the intent not to allow any grace

period for drivers to drive with expired licences. Therefore, to construe the one-year period in the amended Section 15 of the 1988 Act as a liberty to drive even after expiry of licence is a flawed and distorted interpretation of law. It was urged that adopting such interpretation would be against the legislative intent.

16. Learned senior counsel emphasised that in the pre-amendment situation, there existed a grace period of 30 days after the expiry of the driving licence in terms of the proviso to Section 14 of the 1988 Act. Further, if the renewal application was made before 30 days from the expiry of the licence, the date of renewal may be counted from the date of expiry, however, if the application is made after 30 days from the date of expiry of the licence, the renewal was deemed valid from the date of renewal. Reliance was placed on the following cases:

a) Order dated 24.04.2025 in ***The Divisional Manager New India Assurance Company Ltd. v Shaanabasappa & Ors.***, Special Leave Petition (Civil) Nos.19830-19832 of 2022 [passed by this Court]⁴:

'7. The provision of Section 15(1) of the Act is very clear and it provides for the renewal of driving licenses. It lays down that a licensing authority may, on an application made to it, renew a driving license issued under the Act from date from its expiry. But the first proviso to the

⁴ Where one of us, Hon. S. V. N. Bhatti, J., was part of the *coram*.

above provision clearly states that where application for renewal of a license is not made within the prescribed period of 30 days or is made after the expiry of 30 days, the driving license shall be renewed with effect from the date of its renewal.'

b) **Ram Babu Tiwari v United India Insurance Co. Ltd., (2008) 8 SCC**

165:

'16. Section 15 of the Motor Vehicles Act provides for renewal of a driving license. Sub-section (1) of Section 15 and the first proviso appended thereto read as under:

"15. Renewal of driving licenses— (1) Any licensing authority may, on application made to it, renew a driving license 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 more than thirty days 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 the same 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."

xxx

18. *It is beyond any doubt or dispute that only in the event an application for renewal of licence is filed within a period of 30 days from the date of expiry thereof, the same would be renewed automatically which means that even if an accident had taken place within the*

aforementioned period, the driver may be held to be possessing a valid licence. The proviso appended to sub-section (1) of Section 15, however, clearly states that the driving licence shall be renewed with effect from the date of its renewal in the event the application for renewal of a licence is made more than 30 days after the date of its expiry. It is, therefore, evident that as on renewal of the licence on such terms the driver of the vehicle cannot be said to be holding a valid licence, the insurer would not be liable to indemnify the insured.

19. *The second proviso appended to sub-section (4) of Section 15 is of no assistance to the appellant. It merely enables the licensing authority to take a further test of competent driving and passing thereof to its satisfaction within the meaning of sub-section (3) of Section 9. It does not say that the renewal would be automatic. It is, therefore, a case where a breach of the contract of insurance is established. This aspect of the matter has been considered by this Court in National Insurance Co. Ltd. v. Kusum Rai [(2006) 4 SCC 250: (2006) 2 SCC (Cri) 214] holding: (SCC p. 254, para 11)*

“11. It has not been disputed before us that the vehicle was being used as a taxi. It was, therefore, a commercial vehicle. The driver of the said vehicle, thus, was required to hold an appropriate licence therefor. Ram Lal who allegedly was driving the said vehicle at the relevant time, as noticed hereinbefore, was holder of a licence to drive a light motor vehicle only. He did not possess any licence to drive a commercial vehicle. Evidently, therefore, there was a breach of condition of the contract of insurance. The appellant, therefore, could raise the said defence.”

It was furthermore held: (SCC p. 255, para 14)

“14. This Court in Swaran Singh [(2004) 3 SCC 297: 2004 SCC (Cri) 733: AIR 2004 SC 1531] clearly laid down that the liability of the insurance company vis-à-vis the owner would depend upon several factors. The owner

would be liable for payment of compensation in a case where the driver was not having a licence at all. It was the obligation on the part of the owner to take adequate care to see that the driver had an appropriate licence to drive the vehicle.”

It was opined: (SCC p. 256, para 16)

“16. In a case of this nature, therefore, the owner of a vehicle cannot contend that he has no liability to verify the fact as to whether the driver of the vehicle possessed a valid licence or not.”

c) *New India Assurance Co. Ltd. v Suresh Chandra Aggarwal, (2009)*

15 SCC 761:

‘12. Before we deal with the rival contentions, it would be appropriate to briefly refer to the relevant provisions of the Motor Vehicles Act, 1988 (for short “the Act”). Section 3(1) of the Act inter alia stipulates that:

“3. Necessity for driving licence.—(1) No person shall drive a motor vehicle in any public place unless he holds an effective driving licence issued to him authorising him to drive the vehicle;”

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16. Special Condition 5 reads as follows:

“5. Persons or classes of persons entitled to drive.—

(a) The insured,

(b) Any other person who is driving on the insured's order or with his permission:

Provided that the person driving holds or had held and has not been disqualified from holding an effective driving licence with all the required endorsements thereon as per the Motor Vehicles Act and the Rules made thereunder for the time being in force to drive

the category of motor vehicle insured hereunder.”

(emphasis supplied)

It is manifest that the said condition contemplates that apart from the insured, any other person, authorised by the insured, could also drive the vehicle provided the person driving the vehicle “holds or had held and has not been disqualified” from holding an effective driving licence.’

d) *Ishwar Chandra v Oriental Insurance Co. Ltd.*, (2007) 10 SCC 650:

‘9. From a bare perusal of the said provision, it would appear that the licence is renewed in terms of the said Act and the rules framed thereunder. The proviso appended to Section 15(1) of the Act in no uncertain terms states that whereas the original licence granted despite expiry remains valid for a period of 30 days from the date of expiry, if any application for renewal thereof is filed thereafter, the same would be renewed from the date of its renewal. The accident took place 28-4-1995. As on the said date, the renewal application had not been filed, the driver did not have a valid license on the date when the vehicle met with the accident.’

17. Learned senior counsel summed up by canvassing that the Notifications mandated that the candidate-drivers had to possess driving licences continuously for the immediate previous two years from the dates of the Notifications. As such, contended learned senior counsel, non-renewal of licences by the applicants during the said time and the existence of a time-gap between expiry and renewal made it apparent that the applicants did not possess eligibility, in terms of the Notifications. It was prayed that the appeals be allowed.

SUBMISSIONS ON BEHALF OF THE PRIVATE RESPONDENTS:

18. Learned senior counsel for the private respondents, *per contra*, contended that a perusal of the Statement of Objects and Reasons⁵ of the Amendment Act, 2019 would make it very clear that the law-makers were conscious of the fact that delays occur in issuing driving licence and its renewal. In order to overcome the same, it was submitted, a liberal view

⁵ *'The Motor Vehicles Act, 1988 (the Act), was enacted with a view to consolidate and amend the laws relating to motor vehicles. The Act was enacted to give effect to the suggestions made by the Supreme Court in M.K. Kunhimohammed Vs P. A. Ahmedkutti (1987) 4 SCC 284.*

2. The Act was amended several times to adapt to the technological upgradation emerging in road transport, passenger and freight movement and in motor vehicle management. With rapidly increasing motorisation, India is facing an increasing burden of road traffic injuries and fatalities. The emotional and social trauma caused to the family which loses its bread winner, cannot be quantified. India is signatory to the Brasilia Declaration and is committed to reduce the number of road accident fatality by fifty per cent. by the year 2020. The road transport sector also plays a major role in the economy of the country.

3. Numerous representations and recommendations in the form of grievances and suggestions from various stakeholders have been received in the Ministry, citing cases of increase in road accidents, delay in issue of driving licences, the disregard of traffic rules and regulations, etc. Therefore, in order to improve road safety and transport system, certain amendments are required to be made in the Motor Vehicles Act, 1988 to address safety and efficiency issues in the transport sector.

4. In view of the above, it has become necessary to amend certain provisions of the said Act. The proposed Motor Vehicles (Amendment) Bill, 2019 seeks to address the issues relating to road safety, citizen facilitation, strengthening public transport, automation and computerisation.

5. The Motor Vehicles (Amendment) Bill, 2019, inter alia, provides for the following, namely:—

(a) to facilitate grant of online learning licence;

(b) to replace the existing provisions of insurance with simplified provisions in order to provide expeditious help to accident victims and their families;

(c) to increase the time limit for renewal of driving licence from one month to one year before and after the expiry date;

(d) to increase the period for renewal of transport licence from three years to five years;

(e) to enable the licensing authority to grant licence even to the differently abled persons;

(f) to enable the States to promote public transport, rural transport and last mile connectivity by relaxing any of the provisions of the Act pertaining to permits;

(g) to increase the fines and penalties for violation of provisions of the Act; and

(h) to make a provision for protection of Good Samaritans.

6. The Notes on clauses explain in detail the various provisions contained in the Bill.

7. The Bill seeks to achieve the above objectives.'

(sic)

was taken by the law-makers and provision to increase the time limit for renewal of driving licence from one month to six months before and after the expiry date was taken into consideration and accordingly, the (earlier) '*thirty days*' prescribed in the unamended Section 15 of the 1988 Act was enhanced to '*one year*' for renewal of driving licence. The learned Single Judge has taken these factors into account and rightly concluded that the private respondents were holding valid driving licences as on the date of the said Notifications. Thus, the Writ Petitions were rightly allowed in favour of the private respondents.

19. Learned senior counsel argued that since the private respondents, who were having valid driving licences continuously had applied for renewal thereof within one year of their driving licences having expired, the time-gap in renewals ranging from 1 day to 294 days, all the private respondents' applications for renewal were within the period of one year from the date of expiry in accordance with Section 15 of the 1988 Act, as amended by the Amendment Act, 2019.

20. Learned senior counsel stressed that Clause 19(iv) of the Notification dated 25.04.2022, stipulates that the candidates who qualify in the physical

efficiency test are to subsequently appear in and qualify a driving test. The Chairman of the Appellant was to constitute a committee for conducting this Test with Officers from Police Transport Organization, Road Transport Corporation and Road Transport Authority. It specifies that candidates must clear the test by obtaining minimum 50 out of 100 marks, which itself reflects that irrespective of a candidate already holding a valid continuous driving licence, the candidate must again qualify in the driving test. The private respondents possessed driving experience for a considerable period and having such experience, the Appellant ought not have rejected the candidature of the private respondents at the very threshold. It was urged that the appeals be visited with dismissals, upholding the Impugned Judgment.

SUBMISSIONS BY THE PRIVATE APPELLANTS IN THE CIVIL APPEALS EMANATING FROM DIARY NO.12553 OF 2024:

21. The private appellants adopted the contentions urged by the Appellant/Telangana State Level Police Recruitment Board.

ANALYSIS, REASONING AND CONCLUSION:

22. Having heard learned counsel for the contesting parties, perused the records and considered the matters in depth, we are of the considered view that the Judgment impugned warrants interference. We are, in the instant batch of appeals, concerned with as to how the technical qualification with regard to possessing either a LMV (Transport with Badge Number) or HMV Licence, or both put together, continuously for a period of full two years and above as on the date of the Notifications, is to be construed.

23. The Appellant's categoric stand is that the stipulations in the Notifications must be read to mean that the person/candidate possessed the licence uninterruptedly without any break for at least two years prior to the date(s) of the Notifications viz. 25.04.2022 and 20.05.2022. The subsequent Notification dated 20.05.2022 is related to Drivers in the Telangana State Disaster Response and Fire Services Department and the technical qualification is possession of a valid HMV Licence continuously for a period of two years and above as on the date of the Notification, whereas in the Notification dated 25.04.2022, which was for the post of Stipendiary Cadet Trainee (SCT) Police Constable (Drivers) (Men) in Police

Transport Organization, where it was either LMV (Transport with Badge number) or HMV or both.

24. At this juncture, it is relevant to indicate that both sides are *ad idem* on the issue that the licence possessed must be valid continuously for at least two years prior to the date(s) of the Notifications and continuing. However, the difference of opinion between both sides is whether a licence which may have expired within the last two years followed by renewal would automatically result in a situation, though deemed, where despite the licence getting renewed post-facto, but from the date of its expiry, would make it continuous in nature for the purposes of the recruitment in question or otherwise. Thus, the core issue would be as to whether, during the period when the licence expired and admittedly was renewed subsequently, the said period should be condoned, upon renewal, so as to bring it within the criterion of being a continuous licence for a full period of two years prior to the date(s) of the Notifications.

25. It is important to quote the requirement, as set out in the Notifications dated 25.04.2022 and 20.05.2022:

I. Notification dated 25.04.2022:

'18. ELIGIBILITY CONDITIONS (CANDIDATES TO ENSURE THEIR ELIGIBILITY FOR THE EXAMINATION)

...

D. Educational Qualification:

...

iii. For Post Code No. 36:

...

b. **Technical Qualification:** Must have possessed either Light Motor Vehicle (Transport with Badge Number) or HMV License, or both put together, continuously for a period of full two years and above as on date of this Notification.

Candidate should furnish the Driving Licence information (Grant of issue of Driving Licence), issued by the Licensing Authority of the RTA concerned along with the Application Form.'

II. Notification dated 20.05.2022:

'16. ELIGIBILITY CONDITIONS (CANDIDATES TO ENSURE THEIR ELIGIBILITY FOR THE EXAMINATION)

...

D. Educational Qualification:

...

b. **Technical Qualification:** Must have possessed valid HMV License continuously for a period of two years and above as on date of this Notification.

Note: Candidate should furnish the Driving Licence information (Grant of issue of Driving Licence), issued by the Licensing Authority of the RTA concerned along with the Application Form.'

26. Sections 14 and 15 of the 1988 Act, before and after the Amendment Act, 2019, are reproduced hereunder:

(Pre-Amendment Act, 2019)	(Post-Amendment Act, 2019)
<p>Section 14. Currency of licences to drive motor vehicles. —</p> <p>(1) A learner's licence issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six months from the date of issue of the licence.</p> <p>(2) A driving licence issued or renewed under this Act shall, —</p> <p>(a) in the case of a licence to drive a transport vehicle, be effective for a period of three years:</p> <p>Provided that in the case of licence to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of one year and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus; and</p> <p>(b) in the case of any other licence, —</p> <p>(i) if the person obtaining the licence, either originally or on renewal thereof, has not attained the age of fifty years on the date of issue or, as the case may be, renewal thereof</p> <p>(A) be effective for a period of twenty years from the date of such issue or renewal; or</p> <p>(B) until the date on which such person attains the age of fifty years, whichever is earlier;</p> <p>(ii) if the person referred to in</p>	<p>Section 14. Currency of licences to drive motor vehicles. —</p> <p>(1) A learner's licence issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six months from the date of issue of the licence.</p> <p>(2) A driving licence issued or renewed under this Act shall, —</p> <p>(a) in the case of a licence to drive a transport vehicle, be effective for a period of five years:</p> <p>Provided that in the case of licence to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of three years and renewal thereof shall be subject to such conditions as the Central Government may prescribe; and</p> <p>(b) in the case of any other licence, subject to such conditions as the Central Government may prescribe, if the person obtaining the licence, either originally or on renewal thereof, —</p> <p>(i) has not attained the age of thirty years on the date of issue or, renewal thereof, be effective until the date on which such person attains the age of forty years; or</p> <p>(ii) has attained the age of thirty years but has not attained the age of fifty years on the date of issue or, renewal thereof, be effective for a period of ten years from the</p>

<p>sub-clause (i), has attained the age of fifty years on the date of issue or as the case may be, renewal thereof, be effective, on payment of such fee as may be prescribed, for a period of five years from the date of such issue or renewal:</p> <p><u>Provided that every driving licence shall, notwithstanding its expiry under this sub-section, continue to be effective for a period of thirty days from such expiry.</u></p>	<p>date of such issue or renewal; or (iii) has attained the age of fifty years but has not attained the age of fifty-five years on the date of issue or, renewal thereof, be effective until the date on which such person attains the age of sixty years; or (iv) has attained the age of fifty-five years on the date of issue or as the case may be, renewal thereof, be effective for a period of five years from the date of such issue or renewal.</p> <p><i>[Proviso omitted by the Amendment Act, 2019.]</i></p>
<p>Section 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:</p> <p>Provided that in any case where the application for the renewal of a licence is made <u>more than thirty days after the date of its expiry</u>, the driving licence shall be renewed with effect from the date of its renewal:</p> <p>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</p>	<p>Section 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:</p> <p>Provided that in any case where the application for the renewal of a licence is made <u>either one year prior to date of its expiry or within one year after the date of its expiry</u>, the driving licence shall be renewed with effect from the date of its renewal:</p> <p>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</p>

<p>accompanied by a medical certificate in the same 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.</p> <p>(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.</p> <p>(3) Where an application for the renewal of a driving licence is made previous to, or not more than <u>thirty days after the date of its expiry</u>, the fee payable for such renewal shall be such as may be prescribed by the Central Government in this behalf.</p> <p>(4) Where an application for the renewal of a driving licence is made more than <u>thirty days after the date of its expiry</u>, the fee payable for such renewal shall be such amount as may be prescribed by the Central Government:</p>	<p>forty years, the same shall be accompanied by a medical certificate in the same 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.</p> <p>(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.</p> <p>(3) Where an application for the renewal of a driving licence is made previous to, or not more than <u>one year after the date of its expiry</u>, the fee payable for such renewal shall be such as may be prescribed by the Central Government in this behalf.</p> <p>(4) Where an application for the renewal of a driving licence is made more than <u>one year after the date of its expiry</u>, the fee payable for such renewal shall be such amount as may be prescribed by the Central Government:</p>
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(emphasis supplied)

27. The relevant change brought about in Section 14 of 1988 Act by the Amendment Act, 2019 is that the proviso (highlighted *supra*) has been

omitted by the amendment. In Section 15 of the 1988 Act, by the Amendment Act, 2019, the first proviso to sub-section (1) has been modified. Earlier, in the first proviso to sub-section (1) of Section 15, after the words, '*licence is made*', the words '*more than 30 days after the date of its expiry*' occurred, which now has been changed to '*either one year prior to the date of its expiry or within one year after the date of its expiry.*' Another change effected is that in sub-section (3) of Section 15 of the 1988 Act, in place of the words '*thirty days*', '*one year*' has been substituted.

28. The last proviso to Section 14 of the 1988 Act which read '*Provided that every driving licence shall, notwithstanding its expiry under this sub-section, continue to be effective for a period of 30 days from such expiry*' stood omitted by the Amendment Act, 2019.

29. Thus, going by the plain words of the statute, as is the first rule of interpretation, it would mean that Section 14 of the 1988 Act, as it stands today, does not provide for the licence to continue after its expiry even for a single day; however, before the Amendment Act, 2019, the then-existing proviso made the date extendable automatically by a further period of 30 days from the date of its expiry.

30. Moving on, Section 15 of the 1988 Act only extends the period by which an expired licence would be renewed, meaning thereby, that the same licence would continue, but is silent about what happens during the interregnum i.e., after expiry but before renewal. The 1988 Act, as it stands now, the first proviso to sub-section (1) of Section 15, gives a window to a person for renewal of his existing licence, which starts one year prior to the date of the expiry of the licence and continues for one year post-expiry. Earlier, before the Amendment Act, 2019, this period used to be only within 30 days of the date of expiry. Moreover, the stipulation in the said proviso requiring the licence to be renewed with effect from the date of its renewal remains unchanged. The changes made in sub-sections (3) and (4) of Section 15 of the 1988 Act relate only to the fee payable for renewal, which have no bearing on the present cases.

31. When Sections 14 and 15 of the 1988 Act are harmoniously construed, keeping in mind the principles restated in **A Raja v D Kumar**, **2025 SCC OnLine SC 1033**⁶, it is clear, to our minds, that a licence no

⁶ '41. In *Poppatlal Shah v. State of Madras*, (1953) 1 SCC 492, it was held 'It is a settled rule of construction that to ascertain the legislative intent, all the constituent parts of a statute are to be taken together and each word, phrase or sentence is to be considered in the light of the general purpose and object of the Act itself.' We are quite cognizant that it is not for us to add or read words into a statute, nor should we venture into the legislative arena, in respectful concurrence with *B. Premanand v. Mohan Koikal*, (2011) 4 SCC 266; *Mukund Dewangan v. Oriental Insurance Co. Ltd.*, (2017) 14 SCC 663,

more automatically extends beyond the period of its expiry, as was provided for in the unamended last proviso to Section 14 of the 1988 Act.

This deliberate omission by the Legislature cannot be labelled cosmetic. In this regard, ***State of Uttar Pradesh v Malik Zarid Khalid, (1988) 1 SCC***

145 is instructive:

'10. We are unable to accept the appellant's contention. The interpretation placed by the Full Bench of the High Court on Section 3(o) equates the position under the statute after the amendment of 1976 to the position both as it stood prior to the 1976 amendment and also as it stood after the 1983 Ordinance. Such an approach fails to give any effect at all to the change in language deliberately introduced by the 1976 amendment. No doubt, prior to the amendment, only buildings of which the government was owner or landlord were excluded from the Act. But the legislature clearly intended a departure from the earlier position. If the intention was merely to extend the benefit to premises owned or let out by public corporations, it could have been achieved by simply adding a reference to such corporations in Section 2(1)(a) and (b) as they stood earlier. Reading Section 2(1)(a) and (b) as they stood before amendment and the definition in Section 3(o) side by side, the departure in language is so wide and clear that it is impossible to ignore the same and hold that the new definition was just a re-enactment of the old exemption. The exclusion was earlier restricted to buildings owned by the government and buildings taken on lease or requisitioned by government and granted by it by creating a tenancy in favour of someone. The amendment significantly omitted the crucial words present in the earlier legislation which had the effect of restricting the exclusion to tenancies created by the

and; DDA v. Virender Lal Bahri, (2020) 15 SCC 328.'

(emphasis supplied)

government, either as owner or as landlord. Full effect must be given to the new definition in Section 3(o) and to the conscious departure in language in reframing the exclusion.

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14. It is true that there are situations in which courts are compelled to subordinate the plain meaning of statutory language. Not unoften, courts do read down the plain language of a provision or give it a restricted meaning, where, to do otherwise may be clearly opposed to the object and scheme of the Act or may lead to an absurd, illogical or unconstitutional result. But we think that this mode of construction is not appropriate in the context of the present legislation for a number of reasons. In the first place, such an interpretation does not fit into the legislative history we have traced earlier. It does not explain why the legislature should have, while enacting the 1976 amendment, omitted certain operative words and used certain wider words instead. As we have pointed out earlier, if the idea had only been to add to the exclusion buildings owned or let out by public sector corporations, that result could have been achieved by a minor amendment to Section 2(1)(a) as it stood earlier. A conscious and glaring departure from the previous language must be given its due significance. Secondly, the Rent Act is a piece of legislation which imposes certain restrictions on a landlord and confers certain protections on a tenant. It could well have been the intention of the legislature that the government, local bodies and public sector corporations should be free not only from the restrictions they may incur as landlords but also that they need not have the protection given to other ordinary tenants. To say that the legislature considered the government qua landlord to be in a class of its own and hence entitled to immunity from the restrictions of the Act but that, qua tenant, it should be on the same footing as other tenants will be an interpretation which smacks of discrimination. The legislature could have certainly intended to say that the government, whether landlord or tenant, should be outside the Act. Thirdly,

while it is true that the result of the interpretation we favour would be to facilitate easy eviction of government, local authorities and public corporations, there is nothing per se wrong about it because, with their vast resources or capacity to augment their resources, these bodies would not be in as helpless a position as ordinary tenants for whose benefit the legislation is primarily intended. On the other hand, the ultimate result of the interpretation accepted by the Full Bench will be to practically deny a landlord, who has given his premises on rent to these bodies, any remedy to get back possession of his premises. The contingencies for which eviction is provided for in Section 20 are hardly likely to arise in the case of such tenants; Section 21(1)(a) is taken out by Section 21(8); and, virtually, the only ground on which eviction can be sought by a landlord of such a building against such a tenant, on the interpretation urged by the petitioner, would be the one contained in Section 21(1)(b). It is debatable whether the legislature could have contemplated such a situation either. Fourthly, in this case, the legislature has applied its mind to the situation more than once subsequently. If its intention in carrying out the amendment had been misunderstood by the High Court or found ambiguous, the legislature was expected to rectify the situation by a piece of retrospective or declaratory legislation. The 1977 Ordinance was, but the later Ordinances and the 1985 Act are not, of this nature. They neither are, nor purport to be, declaratory or retrospective from 5-7-1976. At least, if the 1985 Act had been made retrospective from 5-7-1976, one could have thought it was a clarificatory piece of legislation. But the legislature has advisedly given these enactments effect only from 18-5-1983. This means that the amendment of 1976 was intended to be effective between 5-7-1976 and 18-5-1983 and it also means that the amendment of 1983 onwards is not intended to be read back for that period. Lastly, in any event, the interpretation given by us will create no lasting difficulties for the government and other organisations which are tenants only, since after 18-5-

1983 they will be in a position to claim all the immunities available to other tenants under the Act.'

(emphasis supplied)

32. Hypothetically, a case may arise where a person renews his licence regularly, such that he may have a licence for many years in continuity inasmuch as the initial licence granted to him gets renewed from time to time, before the existing licence expires. This could operate in a cycle, where the said person keeps renewing the licence before expiry. Such person would come within the scope of eligibility as prescribed in the Notifications. However, after the Amendment Act, 2019, as per the 1988 Act, from the very next day after the date of expiry, without renewal, the person holding an expired licence is incompetent to drive the vehicles he had such licence for, meaning thereby, that there is a legal disability for driving. Coming back to the present case, the Notifications are for recruitment to the posts of Driver. It cannot be lost sight of or denied that driving is not merely a qualification on paper but also involves hands-on experience coupled with regular practice. A lack of practice may hinder a person's capability of being able to drive a vehicle, especially if the vehicle is to be used for police purposes and/or for disaster response/recovery, as is the case herein. Thus, on an overall consideration, the

requirement/condition that for the last two years continuously preceding the date(s) of the Notifications, the candidates should possess driving licences cannot be termed unreasonable. The matter can be looked at from another lens. Licences, under the unamended provision, were issued for not less than 3 years at the first instance and/or on renewal until the time a person attained the age of 50 years. Thus, once a licence was issued for a minimum of 3 years, if the intention of the Appellant was that a person should merely possess a licence for the last two years, the usage of the term '*continuously*' was redundant in the Notifications. As such, we would have to afford due weightage to the same in context of the Notifications at hand.

33. The Act as it stands now clearly stipulates that from the date of expiry of licence, its holder is barred under law from driving. The theory that once a licence is renewed, even after a gap, the renewal would operate from a back date implying that the licence was continuing and valid even for and during the interregnum cannot be countenanced. For instance, even if the licence is continuously valid for more than two years preceding the date of Notifications, there can be a situation where the holder of the licence may be inflicted with debarment/suspension of licence, in the

context of Sections 19 to 23 of 1988 Act, for a period of time. *Stricto sensu*, the same licence, once such period of time elapses, would be valid but as per the Notifications, the said person would be ineligible to even apply for the posts of driver, if such debarment/suspension was within two years from the date(s) of the Notifications. Thus, we have no doubt in mind that for the term '*continuously*' for the previous two years has to be given a straight-forward interpretation as per the literal meaning showing the actual legal and uninterrupted capacity of the person concerned for driving for at least two years continuously prior to the date(s) of the Notifications. We need not look too far or delve too deep for the meaning of the term '*continuously*', as for the purposes of the present adjudication, it would suffice to refer to Black's Law Dictionary, Revised 4th Edition, 1968 at Page 393, which defines the said term as '*Uninterruptedly; in unbroken sequence; without intermission or cessation; without intervening time; with continuity or continuation*'.

34. A contention was urged on behalf of the respondents that even after qualifying the physical proficiency test, candidates will be required to appear and qualify the driving test and thus, when their proficiency/efficiency in actual driving is being tested by conducting a driving test, the requirement of the person being a fit and capable driver is

already taken care by the driving test. It was contended that, as such, the said stipulation be read to mean that the requirement of possessing a driving licence for a period of at least two years prior to the date of the Notification continuously would include persons, who after a break in renewal upon expiry of the licence, later got their licences renewed, with effect from the dates of expiry. We are afraid such contention cannot be accepted. The requirement of possessing a licence continuously for a period of two years prior to the dates of the Notifications cannot be negated only because in the driving test, a person may pass. There are two reasons for this. *Firstly*, that persons who were otherwise similarly-situated to the private respondents/writ petitioners, upon proper appreciation of the terms and conditions of the Notifications may not have applied under the *bona fide* and genuine belief that they were not eligible, which as we have held, was correct. Thus, persons who despite not being eligible having applied just because they may qualify in the driving test that too having benefited under an erroneous interim Order of the High Court cannot be allowed to get an undue benefit over all similarly-situated persons who did not apply. Profitable reference can be made to ***Rakesh Kumar Sharma v State (NCT of Delhi)*, (2013) 11 SCC 58⁷** and ***Sudhir Singh v State of Uttar Pradesh*,**

⁷**22.** It also needs to be noted that like the present appellant there could be large number of candidates who were not eligible as per the requirement of rules/advertisement since they did not possess the required eligibility on the last date of submission of the application forms. Granting any benefit to the

(2024) 12 SCC 647⁸ in this context. *Secondly*, the driving test is by way of abundant caution to verify and ensure that the candidate is in regular practice of driving. It cannot be construed as waiving the requirement of having a valid driving licence continuously for a period of two years prior to the date(s) of the Notifications. Obviously, the driving test is aimed at filtering out candidates who may possess valid driving licences but may not be competent, regular or well-versed in actual driving due to various reasons, which we need to dwell upon. This argument, if accepted, would amount to putting the cart before the horse! *Arguendo*, assuming a person is able to clear the subsequent stages of a recruitment process, the same cannot be taken as entitling the said person to claim competence despite not meeting the entry/threshold criterion. At the very least, not in the extant factual prism.

35. For the reasons aforesaid and in the background of the discussions made hereinabove, the appeals stand allowed. The Impugned Judgment,

appellant would be violative of the doctrine of equality, a backbone of the fundamental rights under our Constitution. A large number of such candidates may not have applied considering themselves to be ineligible adhering to the statutory rules and the terms of the advertisement.'

(emphasis supplied)

⁸**16.** *This Court has also examined the relevant rules and even the clarification(s) to the advertisement. We are afraid that they do not indicate that the appellants can be deemed Ex-Servicemen from a prospective date, despite being in actual service on the relevant date. As such, in the case at hand at least, there is no concept of serving personnel being deemed Ex-Servicemen. It would not be proper for this Court to hold or interpret otherwise. Arguendo, if we were to venture down such a path, it would be unjust to a large number of others similarly placed as the appellants, who were not Ex-Servicemen as on the date of advertisement but came under the category later, but did not apply at the relevant time.'*

(emphasis supplied)

the Final Order/Judgment dated 03.10.2023 and the interim Orders dated 13.03.2023 and 28.03.2023 passed by the Single Judges are set aside. Resultantly, the underlying writ petitions stand dismissed. We are constrained to record that the Division Bench did not engage with the issue, as after noting the rival submissions advanced at the Bar, the Impugned Judgment merely extracted the Single Judge's Final Order/Judgment dated 30.06.2023, without assigning any reasons as to why it was '*not inclined to interfere*' with the said Order/Judgment. As much time has elapsed, the recruitment process be completed by the Appellant expeditiously and at any rate, within three months reckoned from today.

36. No order as to costs.

37. The Civil Appeals arising from Diary No.12553/2024 shall also stand allowed in terms similar to Civil Appeals arising from SLP (C) Nos.8684-8688/2024.

.....J.
[AHSANUDDIN AMANULLAH]

.....J.
[S. V. N. BHATTI]

NEW DELHI
DECEMBER 18, 2025