



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4558/2026

All India Tourist Permit Bus Owners Association, Having Its Registered Office At No. 6, 1St Floor, Bhagwan Building, Marudhar Mridul Marg, Opp. Medical College, Sindhi Colony, Shastri Nagar, Jodhpur, Rajasthan 342003 Through Its Authorized Signatory Shri Rajendra Parihar.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Joint Secretary, Department Of Personnel, Government Of Rajasthan, Jaipur
2. The Principal Secretary / Additional Chief Secretary, Department Of Transport, Government Of Rajasthan, Government Secretariat, Bhagwan Das Road, C-Scheme, Jaipur (Raj.).
3. The Transport Commissioner, Department Of Transport, Government Of Rajasthan, Jaipur.
4. Rajasthan State Road Transport Corporation (Rsrtc), Through Its Managing Director, Jaipur.
5. Regional Transport Authority, Jodhpur Region, Through Its Secretary, Barnard Road, Bgs Colony, Jodhpur, Rajasthan - 342006.
6. Shri Purusottam Sharma S/o Shri Dekinandan Sharma, Aged About 51 Years, R/o E-735, Gandhi Nagar, Jaipur, Rajasthan 302015.

-----Respondents

For Petitioner(s)	:	Dr. Mohit Singhvi Mr. Vishwas Khatri Mr. Utkarsh Bafna
For Respondent(s)	:	Mr. Deepak Chandak, AAAG & Ms. Sulochana Bishnoi for Mr. B.L. Bhati, AAG Mr. Aditya Mahecha for Mr. Rajesh Panwar, AAG

HON'BLE MR. JUSTICE ANAND SHARMA

Order

28/04/2026

1. The petitioner has assailed order dated 21.11.2025, whereby respondent No.6, who was holding the post of Managing



Director, Rajasthan State Road Transport Corporation, Jaipur, has also been posted as Transport Commissioner. Petitioner has questioned authority and competence of respondent No.6 to hold the post of Transport Commissioner, simultaneously while remaining posted as MD, RSRTC.

2. Appointment of respondent No.6 as Transport Commissioner while holding the post of Managing Director, RSRTC has been challenged by the petitioner at the strength of Section 68(2) of the Motor Vehicles Act, which prohibits in no uncertain terms that no person, who has any financial interest whether as proprietor, employee or otherwise in any transport undertaking shall be appointed, or continue to be a Member of a State or Regional Transport Authority, and if any person being a member of any such Authority acquires a financial interest in any transport undertaking, he shall within four weeks of so doing, give notice in writing to the State Government of the acquisition of such interest and shall vacate office.

3. Learned counsel for the petitioner submits that in para no. 11 of the writ petition, the petitioner has made specific allegations that while functioning as Transport Commissioner, the respondent No.6, since holding one of the higher authority, exercises overall superintendence, control, supervision, and comprehensive administrative oversight of the entire transport administration with the State, including direct and indirect supervision, monitoring, and control over the functioning, decision making processes, and enforcement activities of all Regional Transport Authorities constituted and operating across the various districts and regions of the State.





4. Learned counsel for the petitioner relies upon judgment of the Hon'ble Supreme Court in the case of ***The Mor Modern Co-operative Transport Society Ltd. Vs. Financial Commissioner and Secretary to Govt, Haryana and Ors.*** reported in ***AIR 2002 SC 2513*** where appointment of Transport Commissioner as a Chairman of Regional Transport Authority was under challenge. After meticulously examining the provisions of the Act, the Hon'ble Supreme Court observed as under :

"Looking to the scheme of the Act it cannot be disputed that the Regional Transport Authorities exercise powers and perform functions which are conferred upon them by or under Chapter V of the Act. The power includes the power to grant stage carriage permits, attach conditions thereto, to determine the duration of permits and their renewal to transfer permits, the cancellation and suspension of permits, grant of temporary permits etc. Having regard to the fact that the State undertaking competes with private operators in the business of providing transport service, the Legislature advisedly has barred the appointment of any person as a member of the Regional Transport Authority who has any financial interest, whether as proprietor, employee or otherwise in any transport undertaking, which must necessarily include a Government undertaking. This is considered necessary with a view to ensure the impartial functioning of the Regional Transport Authority which is envisaged by the Act."

5. Learned counsel submits that in view of the above provisions of the Act as well as observations made by Hon'ble Supreme Court, respondent No.6 has got no authority to continue as Transport Commissioner while holding the post of Managing Director, RSRTC, moreso when RSRTC is also a government undertaking and is also having substantial financial interest in the field of transport activities in the State of Rajasthan. Hence, a person while holding the post of MD, RSRTC cannot ensure impartial functioning as Transport Commissioner.





6. Learned counsel for the respondents opposed the writ petition and submitted that Transport Commissioner cannot be said to be sole authority for taking decisions with regard to transport policy in the State and he is simply one of the part of the Board, however, learned counsel for the respondents could not dispute the fact that being Transport Commissioner, the respondent No.6 shall have control over of the Regional Transport authorities in the State and shall also be a member of State Transport Authority.

7. Matter requires consideration.

8. Respondents No.1 to 5 are already being represented by their respective counsels.

9. Issue notices to respondents No.6 only.

10. In the meanwhile and till further orders, operation of order dated 21.11.2025 qua the respondents No.6 shall remain stayed and the respondent No.6 is hereby restrained from working as Transport Commissioner till further orders.

11. List this matter on 18.05.2026.

(ANAND SHARMA),J

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