

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 22859 of 2014 (O&M)
Date of Decision: February 09, 2017

Narinder Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Vipin Yadav, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has prayed for the following relief:-

“i. Issue of an appropriate writ order or direction in the nature of certiorari/mandamus for directing the respondent to consider the petitioner for the purpose of appointment and further for consideration of the candidature of the petitioner for the post of PRT category No.1 (Non Mewat) under ESM General Category in accordance with law and to offer appointment.”

Perusal of the prayer do not reflects dates and events of the recruitment and also there is no demand before the competent authority. Person who approaches under Article 226 of the Constitution of India seeking for writ of mandamus must have statutory right. Even if he had statutory right, he must have demanded the concerned authority and if the authority failed to consider the demand in such circumstances, only one can

approach Court seeking writ of mandamus. Admittedly, the petitioner has not approached the concerned respondent with the grievance that his name is required to be considered for the purpose of appointment for the post of PRT Category No.1 (Non Mewat) by furnishing eligibility and particulars and in what way competent authority has failed in his duties etc. In the absence of such demand, this Court cannot issue writ of mandamus or direction as held by the Supreme Court in the case of ***Mani Subrat Jain vs. State of Haryana (1977) 1 SCC 486*** that for the purpose of seeking writ of mandamus there must be a statutory right and demand should be there. Thus, petitioner has not made out a case to seek direction to the respondents, therefore, instant petition stands rejected. Rejection of this petition would not come in the way of petitioner to approach competent authority. If petitioner submits his grievance in such event competent authority would consider the same in accordance with law.

February 09, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No