

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.02.2019

CORAM :
THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.12358 of 2018

Y.Mohan Kumar

... Petitioner

Vs.

The Secretary to Government,
Revenue & Disaster Management Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to dispose the representation of the petitioner dated 22.11.2017 pending before the respondent herein, within a reasonable period of time, as may be fixed by this Court.

For Petitioner : Mr.M.Kempraj

For Respondent : Mr.D.Suriya Narayanan
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent to dispose of the representation of the petitioner, dated 22.11.2017, pending before the respondent herein, within a reasonable period of time, that may be fixed by this Court.

2.The representation submitted by the writ petitioner on 22.11.2017 is in relation with providing a separate quota to undergo Revenue Inspector and Tahsildar Training. The petitioner is serving in the Department of Land Administration.

3.The grievance of the writ petitioner is that no separate quota is provided to undergo the training by Revenue Inspectors, Deputy Tahsildar and Tahsildars. Therefore, a representation was given by the staff of the Department of Land Administration to the respondent. But, the writ petitioner, who is Y.Mohan Kumar, has filed the present writ petition in his individual capacity.

4.Be that as it may, this Court is of an opinion that, providing a separate quota is a policy decision to be taken by

the competent authorities of the Government. Even in order to issue directions to consider the representation, the petitioner has to establish his legal right. It is a pre-condition that, only on establishing the legal right, appropriate relief can be granted in a writ petition. The representation which is enclosed at Page No.40 of the Typed Set of Papers, filed along with the writ petition, states that the staff of the Department of Land Administration request for a separate quota. The said claim is to be considered only by the Government and this Court cannot issue any direction to formulate a policy or otherwise. All such policy decisions are administrative prerogatives of the competent authorities of the Government and this Court would not interfere into such powers of the Government, more specifically, in relation to the constitution/modification of the service rules of the employees of the Government.

5.This being the scope of the writ petition, this Court is of an opinion that the writ petitioner has not established even a semblance of legal right, so as to consider the relief sought for in this writ petition.

Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mkn

To

The Secretary to Government,
Revenue & Disaster Management Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

+lcc to Mr.Kempraj, Advocate, S.R.No.15037

+lcc to the Government Pleader, S.R.No.14593

W.P.No.12358 of 2018

SJ(CO)

rrs 14/03/2019