

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 1123/2021

Narayan Shankar Solanki

...Petitioner

Versus

The State of Maharashtra and anr.

...Respondents

Shri G.O. Gadge h/f. Shri P.S. Kshirsagar, Advocates for the Petitioner
Mrs. K. R. Deshpande, AGP for the Respondent No. 1- State

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 05 MARCH 2021

P.C.:

This is one more Petition where a direction sought to the Respondent No.2–Chief Executive Officer to decide the representation as the only relief.

2. Again, it is a case of representation regarding the transfer of the Petitioner from one place to another. The representation was filed on 12 November 2020, and immediately this Writ Petition is filed in the second week of January 2021 for a writ of mandamus to direct Respondent No.2–Chief Executive Officer to decide the representation within a time-bound period. We have come across a series of such petitions, forming a pattern, and, therefore, it has become necessary to take a serious note.

3. A writ of mandamus would be issued if there is a failure to perform a public duty cast upon the public authority. This prerogative writ cannot be sought in a routine and mechanical manner. For seeking a simpliciter direction to decide a representation, the Petitioner will have to establish that for unjustifiable reasons and for an unreasonable period, the Respondent-Authority has failed to act. The Court also is required to examine the nature of the right claimed in the representation. For instance, if it is a case of personal liberties, a different yardstick would be applicable.

4. Present case is of the representation for transfer of the Petitioner. This is an administrative matter for the Respondent to consider. It cannot be that a request is made for transfer and immediately without giving reasonable time to the authority; writ petition is filed seeking mandamus to direct time-bound disposal of the request with no other substantive relief, in a routine and mechanical manner. Unfortunately, a large number of such petitions are being filed.

5. It is necessary to discourage the filing of such matters, by imposing costs. For such matters clog up the already burdened docket of this Court and cut into the limited judicial time available, which can be invested for those genuinely and urgently in need of judicial intervention.

6. No case is made out for the issuance of mandamus. The representation will be decided as per the time schedule available to the Respondents.

7. The Writ Petition is rejected.

8. The Petitioner will pay a costs of Rs.5,000/- to the High Court Legal Services Sub-Committee, Nagpur, within four weeks.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]