

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 1044 OF 2022

Smt. Husnbanu Javedkhan Pathan ... Petitioner

V/s.

The State of Maharashtra and Anr. ... Respondents

Mr. Datta H. Pawar for the Petitioner

Ms. P.N. Diwan, AGP for the Respondent - State

***CORAM : NITIN JAMDAR &
AMIT BORKAR, JJ.***

***DATE : 03 FEBRUARY 2022
(Through Video Conferencing)***

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner has filed this Petition with a simplicitor direction to the Respondents to decide the representation of the Petitioner. For this relief the Petitioner is seeking a writ of mandamus.

3. The writ of mandamus is issued when there is a failure of duty by a Public Authority. The Petitioner made a representation on

25 October 2021 and immediately, on 13 December 2021, has filed the present Petition seeking a writ. To infer failure of duty, it has an inordinate delay. Without which, such directions for disposal of the representations cannot be sought in a routine manner. Neither the exercise of this prerogative writ is a matter of routine.

4. Merely because the Petitioner's representation for transfer on personal grounds is not answered within one and half month, it cannot be termed as a gross delay to conclude failure of duty. The workload of the authority also cannot be overlooked. We depreciate the practice of making the representations and then immediately rushing to the High Court praying for a writ of mandamus to direct disposal of representation. Such Petitions clog the system and hinder access to justice to other meritorious cases. In this case there is no gross delay to conclude failure of duty and therefore we decline to exercise our writ jurisdiction.

5. All that we observe is that this does not mean that the representation should not be decided at all but all the same would be decided by the authority within a reasonable time subject to its other pressing public commitments.

6. With these observations, the Writ Petition is disposed of.

AMIT BORKAR, J.

NITIN JAMDAR, J.