

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

CWP-16558-2023 (O&M).
Date of Decision: 02.08.2023.

Sat Pal

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Krishan Singh, Advocate, for the petitioner.

VINOD S. BHARDWAJ. J (ORAL)

The petitioner in the present writ petition prays for issuance of writ of certiorari for quashing the inaction of the respondents in not deciding the representation and for direction to the respondents to decide the representation submitted by him in which he has made complaint about the selection of respondent No.5 to the post of Driver despite the said respondent not possessing the requisite qualification.

Learned counsel appearing for the petitioner contends that the petitioner was working as Inspector with the Haryana Roadways, Yamuna Nagar and was posted in the office of General Manager, Haryana Roadways, Yamuna Nagar. Respondent No.5 was recruited as

driver on contract basis on 01.02.1995 on the basis of a School Leaving Certificate of Matriculation issued by the Head Master, Government High School, Farmana (Sonipat). It was contended that an information under the Right to Information Act was sought for and as per the said information, respondent No.5 was 9th pass. He submitted complaints against the said respondent No.5, however, no action has been taken thereupon. Consequently, the present writ petition for seeking a writ in the nature of mandamus has been filed.

Learned counsel appearing for the petitioner fairly concedes that he is not personally aggrieved of the above said appointment and that he is highlighting the illegality committed whereby respondent No.5 has secured an appointment.

The present writ petition is in the nature of certiorari/mandamus and in the absence of any individual grievance being espoused by the petitioner, the petitioner cannot claim that a legal right accrued to him under the statutory provisions or under the general law and has been threatened or has been negated. When the act and the Rules do not confer any substantial right on the petitioner, he cannot have the remedy of approaching the Court by pursuing a litigation as a person aggrieved. An actionable legal wrong is pre-requisite for pursuing the petition in the present form.

Faced with the above, learned counsel for the petitioner prays for withdrawal of the present writ petition with liberty to pursue his remedies in accordance with law.

Disposed of as withdrawn with liberties as aforesaid.

August 02, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No