

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL No.1148 OF 2023

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr.B. Subhash, learned counsel for the appellant.

Ms. C. Vani Reddy, learned Standing Counsel for State Council for Higher Education for respondent No.2.

Mr. V. Ramesh Babu, learned Standing Counsel for University Grants Commission for respondent No.3.

Mr. Aadesh Varma, learned Standing Counsel for Bar Council of India for respondent No.4.

Mr. G.M. Mohiuddin, learned Standing Counsel for Bar Council of Telangana for respondent No.5.

Mr. Ch. Jagannatha Rao, learned Standing Counsel for Osmania University for respondent No.6.

Mr. Mohd. Anwar Ali, learned counsel for Telangana State Technological Services for respondent No.8.

2. This intra court appeal has been filed by an Advocate practising in Ranga Reddy District against an order dated 15.11.2023 passed by the learned Single Judge by which W.P.No.31029 of 2023 preferred by the appellant has been dismissed with liberty to file Public Interest Litigation, if so advised.

3. Facts giving rise to filing of this appeal, briefly stated, are that the appellant, as stated supra, is an Advocate practising in Ranga Reddy District. The appellant noticed that in Mahatma Gandhi Law College, Hyderabad, no system has been installed for recording bio metric attendance of the students based on their aadhar cards. The appellant thereupon submitted a representation to the management of the college. The representation submitted by the appellant failed to evoke any response. The appellant thereupon filed writ petition, which has been dismissed by the learned Single Judge by order dated 15.11.2023 *inter alia* on the ground that the appellant

has no locus to maintain the writ petition. In the aforesaid factual background, this appeal has been filed.

4. Learned counsel for the appellant submitted that the appellant is a practising Advocate and has submitted a representation. Therefore, the writ petition should have been disposed of with a direction to the college to decide the representation submitted by the appellant.

5. We have considered the submissions made by learned counsel for the appellant and have perused the record.

6. The writ of mandamus cannot be sought without a legal right. Such a right must be judicially enforceable as well as legally protected. In this connection, reference has been made to the judgment of the Supreme Court in *Mani Subrat Jain and Ors vs. State of Haryana and Ors*¹ wherein at para 9 it has been held as under:

¹ (1977) 1 SCC 486

“The High Court rightly dismissed the petitions. It is elementary though it is to be restated that no one can ask for a mandamus without a legal right. There must be a judicially enforceable right as well as a legally protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when a person is denied a legal right by some one who has a legal duty to do something or to abstain from doing something (See Halsbury's Laws of England 4th Ed. Vol. I, paragraph 122; State of Haryana v. Subash Chander Marwaha & Ors (1) Jasbhai Motibhai Desai v. Roshan Kumar Haji Bashir Ahmed & Ors (2) and Ferris Extraordinary Legal Remedies”.

7. The appellant has not been able to demonstrate any legal right, much less any judicially enforceable right. Therefore, no cause for interference is made out. However, liberty is reserved to the appellant to file Public Interest Litigation, if so advised.

8. Accordingly, the writ appeal is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

ALOK ARADHE, CJ

ANIL KUMAR JUKANTI, J

Date: 11.12.2023

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