

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2022

BEFORE

THE HON' BLE MR. JUSTICE S.G. PANDIT

WRIT PETITION No.8644/2022 (GM-RES)

BETWEEN:

DR.S.P.RAGHUNATH
S/O S.P.PONNUSWAMY
AGED ABOUT 71 YEARS
RETIRED CHIEF ENGINEER
I.I.T INDOOR
MADHYA PRADESH STATE
R/O. No.6, 2ND CROSS
K.H.M.BLOCK, GANGANAGAR
BENGALURU-560032.

...PETITIONER

(BY SRI.H.M. UMESH., ADV.)

AND:

- 1 . THE UNION OF INDIA
REPTD. BY IT'S SECRETARY
MINISTER OF HOME AFFAIRS
No.113, NORTH BLOCK
NEW DELHI-110001.
- 2 . THE UNION OF INDIA
REPTD. BY ITS JOINT SECRETARY [CIC & CVO]
MINISTER OF HOME AFFAIRS
No.188, NORTH BLOCK
NEW DELHI-110001.
- 3 . THE UNION OF INDIA
REPTD. BY ITS PRINCIPAL SECRETARY
TO PRIME MINISTER
SOUTH BLOCK
NEW DELHI-110011.

...RESPONDENTS

(BY SRI.SHANTHI BHUSHAN.H, ASG.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDERS DATED 11.02.2022 PASSED BY THE RESPONDENT No.3 VIDE ANNEXURE-C AND THE IPUGNED ORDER DATED 10.03.2022 PASSED BY THE RESPONDENT No.2 VIDE ANNEXURE-E AND ETC.,

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioner, a retired Engineer in Chief is before this Court under Articles 226 and 227 of the Constitution of India praying for a writ of certiorari to quash the order bearing No.PMOPG/D/2022/0023890 dated 11.02.2022 vide Annexure-C and order bearing No.MINHA/E/A/22/0000088 dated 10.03.2022 passed by respondent No.2 vide Annexure-E and for a writ of mandamus directing the respondents to consider the case of the petitioner in terms of his request at Annexures-A and B.

2. Heard the learned counsel Sri.H.M.Umesh for petitioner and learned ASG Sri.H.Shanthi Bhushan for respondent Nos.1 to 3. Perused the writ petition papers.

3. Learned counsel for the petitioner would submit that petitioner is a retired Engineer in Chief from the respondents-Central Government. After his retirement, he was appointed on contract basis by the IIT for a period of two years for implementing projects including IIT at Dharwad. Petitioner is before this Court requesting for an appointment on honorarium basis as Chief Engineer at Sri Rama Janma Bhumi. Theertha Kshethra. It is submitted that petitioner has made representations and the same are rejected under Annexures-C and E. Even the petitioner's request through Grievance Redressal Web Portal is not considered properly and it is rejected showing subjudice matter. Therefore, it is submitted that petitioner is before this Court seeking for consideration of his representation for appointment as Chief Engineer at Rama Janma Bhumi Trust.

4. Per contra, learned ASG vehemently opposes the petition stating that petitioner, a retired Engineer in Chief has no right to seek any appointment that too at

Rama Janma Bhumi Trust. Moreover, Trust is not a State under Article 12 of Constitution of India. It is also submitted that petitioner was also before this Court in W.P.No.126424/2020, when he was relieved of his duties as Chief Engineer [Projects] at Indian Institute of Technology [IIT], Indore which came to be dismissed and also filed Writ Appeal in W.A.No.100271/2021 which was also dismissed on 09.03.2022. Thus, he prays for dismissal of the writ petition.

5 Having heard the learned counsel for the parties and on perusal of the writ petition papers, I am of the view that petitioner has no right to seek any appointment as Chief Engineer. Moreover, petitioner's request is to appoint him as Chief Engineer for a period of three years at Sri Rama Janma Bhumi theertha Kshethra and Sri Rama Janma Bhumi theertha Kshethra is not a State within the meaning of Article 12 of the Constitution of India, writ would not be maintainable. No writ could be issued for appointing petitioner as Chief Engineer at Sri Rama Janma Bhumi

Theertha Kshethra. Moreover, for issuance of writ of mandamus one has to establish his legal right and corresponding legal duty on the authority to consider one's request. Since the petitioner has no right and respondent has no duty to consider petitioner's request, no relief could be granted in this writ petition. Accordingly writ petition stands rejected.

**Sd/-
JUDGE**

NC.