

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 27<sup>TH</sup> DAY OF JANUARY 2014

: PRESENT :

HON'BLE MR. D.H.WAGHELA, CHIEF JUSTICE

AND

HON'BLE MRS. JUSTICE B.V.NAGARATHNA

WRIT PETITION No. 3149 / 2014 (GM-RES-PIL)

BETWEEN

MANJUNATH  
S/O PADMANABHA, AGED 62 YEARS  
NO.170, SEPPINGS ROAD, NEAR COLES PARK  
BANGALORE-560 001.

... PETITIONER

( BY SRI AMRUTHESH N P, ADVOCATE. )

A N D

1. UNION OF INDIA  
MINISTRY OF HOME AFFAIRS  
PUBLIC SECTION, NORTH BLOCK  
CENTRAL SECRETARIAT, NEW DELHI-110 001  
REPRESENTED BY ITS HOME SECRETARY.
2. THE DEPUTY SECRETARY  
PRIME MINISTER'S OFFICE  
SOUTH BLOCK, NEW DELHI-110 011.

... RESPONDENTS

WRIT PETITION FILED PRAYING TO ISSUE A WRIT IN  
THE NATURE OF MANDAMUS TO R-1 AND R-2 TO CONSIDER  
THE REPRESENTATIONS OF THE PETITIONER VIDE  
ANNEXURES-F & F-1 DATED 26.10.2012 IMMEDIATELY IN

ANNOUNCING BHARAT RATNA AWARD TO MAHATMA GANDHI AND TO DIRECT THE RESPONDENTS TO SUBMIT THE ENTIRE RECORDS PERTAINING TO THE PROCEEDINGS, CORRESPONDENCE, ANY DOCUMENTS PROCESSED WITH REGARD TO THE ANNOUNCEMENT/RECOMMENDATION OF BHARAT RATNA AWARD TO MAHATMA GANDHI, BEFORE THIS HON'BLE COURT FOR THE KIND PERUSAL AND FOR THE DIRECTION.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

O R D E R

D.H.WAGHELA, CJ (ORAL) :

1. The petitioner has filed the present petition in the nature of Public Interest Litigation for a writ in the nature of mandamus to the respondents to consider his representations dated 26.10.2012 and confer upon Mahatma Gandhi the honour of "Bharath Rathna" in the interest of equity and justice.

2. Learned counsel Sri Amruthesh, appearing for the petitioner, pointed out that the petitioner has consistently been making representations for conferring the highest honour upon the 'Father of the Nation', but he had only

recently received a reply from the Government of India to the effect that recommendations to confer the award on Mahatma Gandhi have been received from various quarters from time to time and they are duly forwarded to the office of the Hon'ble Prime Minister. However, the award is not conferred according to his submission.

**3.** The petitioner has not pointed out any legal provision which could be said to have been violated in deciding upon conferring of any award and no statutory duty is pointed out to have been cast on any authority to consider the names for recommendation. According to the order dated 12.10.2012 of the Joint Secretary (Administration), relied upon by the petitioner himself, pursuant to the extant practice, the Hon'ble Prime Minister makes the recommendations for Bharath Rathna Award to the Hon'ble President and the names for that purpose are announced after obtaining the approval of the Hon'ble President. The whole process is stated to be informal and in the discretion of the highest authority in the Government. The subject is otherwise also not amenable to any process of adjudication.

Therefore, no order, much less a writ of mandamus, could be issued as prayed in the petition.

4. Therefore, the petition is summarily dismissed.

Sd/-  
CHIEF JUSTICE

Sd/-  
JUDGE

ckc/-