

FOR INTERNAL CIRCULATION ONLY

**SYNOPSIS**

**OF**

**ADMINISTRATIVE LAW**

**(FOR**

**IV SEMESTER) (JAN – APR 2009)**

The synopsis is divided into three parts. Part I consists of the course content and relevant case laws for Term Test I; Part II consists of the course content and relevant case laws for Term Test II and Part III consists of the balance syllabus which will be taken up after the conclusion of Term Test II.

In the synopsis, the essential case laws in the syllabus have been included topic wise and are underlined.

With regard to those topics where no case law has been prescribed in the syllabus, relevant case laws will be discussed in the class lectures.

The essential cases laws in the syllabus are not exhaustive of the course content. In addition, students will also be expected to update themselves with other relevant and new case laws which will be discussed in the class lectures.

For commentaries on the subject, either of the books authored by Mr S P Sathe or Mr I P Massey or Mr C K Takwani may be referred to.

Prepared by J Ravindran

## **PART I**

### **Unit I – Evolution and Scope of Administrative Law**

Nature, Scope and Development of Administrative Law

Rule of law and Administrative Law

Separation of Powers and its relevance

*In re. Art 143 Constitution of India and Delhi Laws Act, 1912 AIR 1951 SC 332*

*Rai Saheb Ram Jawaya Kapur v. State of Punjab AIR 1955 SC 549*

*Special Reference No. 1 of 1964 AIR 1965 SC 745*

*State of M P v. Thakur Bharat Singh (1967) 2 SCR 454*

*Asif Hameed v. State of J & K AIR 1989 SC 1899*

*St of Bihar v. Bal Mukund Sah AIR 2000 SC 1296*

Relationship between Constitutional law and Administrative law

Administrative law vis-à-vis privatization

*BALCO Employees Union (Regd) v. UOI AIR 2002 SC 350*

Classification of function of administration

*UOI v. Cynamide India Ltd. AIR 1987 SC 1802*

*Indian National Congress (I) v. Institute of Social Welfare & ors AIR 2002 SC 2158*

### **Unit II – Legislative Functions of Administration**

Necessity and Constitutionality

*TISCO v. Workmen AIR 1972 SC 1917*

*St John Teachers Training Institute v. Regional Director, National Council for Teacher Education AIR 2003 SC 1533*

*Govt of A P v. Medwin Educational Society AIR 2004 SC 613*

Forms and requirements

*Lachmi Narain v. UOI & ors AIR 1976 SC 714*

Controls

Legislative – *Atlas Cycle Industries Ltd., M/s & ors v. State of Haryana AIR 1979 SC 1149*

*Sonik Industries, M/s v. Rajkot Municipal Corporation AIR 1986 SC 1518*

Judicial – *A V Educational Society v. Govt. of A P & ors AIR 2002 AP 348*

Procedural – *Govind Lal Chaggan Lal Patel v. Agriculture Produce Market Committee & ors AIR 1976 SC 263*

Delegated Legislation

*Queen v. Burah 5 I A 178*

*In re. Art 143 Constitution of India and Delhi Laws Act, 1912 AIR 1951 SC 332*

*Rajnarain Singh v. Chairman, Patna Administration Committee AIR 1954 SC 569*

*Darshan Lal Mehra v. UOI AIR 1992 SC 1848*

*Kiran Gupta & ors v. State of UP & ors AIR 2000 SC 3299*

Sub-delegation

## **PART II**

### **Unit III – Judicial Functions of Administration**

Need for devolution of adjudicatory authority on administration

Nature of tribunals – constitution, powers, procedures, rules of evidence

Administrative Tribunals

*L Chandra Kumar v. UOI AIR 1997 SC 1125*

Principles of Natural justice

*M S F C v. M/s Suvarna Board Mills AIR 1994 SC 2657*

Rule against bias

*A K Kraipak & ors v. UOI & ors AIR 1970 SC 150*

*Ashok Kumar Yadav v. St of Haryana AIR 1987 SC 454*

*Kumaon Mandal Vikas Nigam Ltd. v. Girja Shankar Pant AIR 2001 SC 24*

*Amar Nath Chowdhury v. Braithwaite & Co Ltd. AIR 2002 SC 678*

*G N Nayak v. Goa University AIR 2002 SC 790*

Audi Alteram Partem

Essentials of hearing process

Cross examination

*Hira Nath Mishra v. Principal, Rajendra Medical College, Ranchi AIR 1973 SC 1260*

Legal representation

*J K Aggarwal v. Haryana Seeds Development Corporation Ltd. AIR 1991 SC 1221*

Pre and Post decisional hearing

*Maneka Gandhi v. UOI AIR 1978 SC 597*

*Swadeshi Cotton Mills v. UOI AIR 1981 SC 818*

*H L Trehan v. UOI AIR 1989 SC 568*

Reasoned decisions

*S N Mukherjee v. UOI 1990 (5) SLR 8*

Rule of evidence – no evidence, some evidence and substantial evidence

Institutional decisions

*Local Government Board v. Arlidge, (1915) AC 120*

## **Unit IV – Administrative Discretion and Judicial control of Administrative Action**

### **A. Administrative Discretion**

Need and its relationship with rule of law

Constitutional imperatives and exercise of discretion

Grounds of judicial review

Abuse of discretion

*Dwarka Prasad Laxmi Narain v. St of U P AIR 1954 SC 224*

*Indian Railway Construction Co. Ltd. v. Ajay Kumar AIR 2003 SC 1843*

*A N Parasuraman v. State of T N AIR 1990 SC 40*

*Shrilekha Vidyarthi v. State of UP & ors AIR 1991 SC 537*

Malafides

*G Sadanandan v. St of Kerala AIR 1966 SC 1295*

*Express Newspapers (P) Ltd. v. UOI AIR 1986 SC 872*

*State of Punjab v. V K Khanna AIR 2001 SC 343*

Irrelevant considerations

*State of Bombay v. K P Krishnan AIR 1960 SC 1223*

Failure to exercise discretion

*Jaswant Singh v. St of Punjab AIR 1958 SC 124*  
*Merugu Satyanarayana v. St of A P AIR 1982 SC 1543*

Doctrine of Legitimate Expectation

*Secretary, State of Karnataka v. Umadevi 2006 AIR SCW 1991*  
*Confederation of Ex-servicemen Association v. UOI 2006 AIR SCW 4209*

### **PART III**

#### **B. Judicial control of Administrative Action**

Introduction

Court as the final authority to determine the legality of administrative action

Exhaustion of administrative remedies

Locus standi

Laches

Res judicata

Judicial review and its extent

*Kanhaiya Lal Sethia v. UOI AIR 1998 SC 365*  
*State of UP v. Johri Mal AIR 2004 SC 3800*

Statutory appeals

Writs

Mandamus

*Anandi Mukta Sadguru Shree Muktajee Vandasjiswami Suvarna Jayanti Mahotsav*  
*Smarak Trust & ors v. V R Rudani & ors AIR 1989 SC 1607*  
*R K Singh v. UOI AIR 2001 Del 12*

Certiorari

*Syed Yakoob v. K S Radhakrishnan AIR 1964 SC 477*

Declaratory judgements and injunctions

Civil suits for compensation