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Q18

With reference to the writs, issued by the Courts in India, consider the following statements: 1. Mandamus will not lie against a private organisation unless it is entrusted with a public duty. 2. Mandamus will not lie against a Company even though it may be a Government Company. 3. Any public minded person can be a petitioner to move the Court to obtain the writ of Quo Warranto. Which of the statements given above are correct? (a) 1 and 2 only (b) 2 and 3 only (c) 1 and 3 only (d) 1, 2 and 3 Official key: D.

UPSC Civil Services Prelims 2022 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation

(a)

1 and 2 only. **Quo warranto** as a public-interest writ also holds in this key.

(b)

2 and 3 only. **Mandamus** and public duty is the first limb.

(c)

1 and 3 only. Statement 2 is also keyed correct.

(d) Official key

All three. **Mandamus** needs a public duty (not a purely private body). It is not used against a company as such even if government-owned, absent that duty. **Quo warranto** can be moved by a public-minded person.

Summary

Official key is (d) all three. **Mandamus** issues for a public legal duty, so a private body is reached only if such a duty is laid on it. A government company is still a company for this purpose unless a public duty is shown. **Quo warranto** to test a public office can be sought by a member of the public.

Related possible facts

These can be asked in a future Prelims paper.

Mandamus

'We command' - perform a public duty.

Quo warranto

By what authority do you hold this public office?

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