

Judicial Control / Administrative / Judicial Control Over Administration

- Judicial control over administration means the power of Courts to examine the legality of the civil servants' acts and thereby to safeguard the rights of the citizens.
- It also implies the right of an aggrieved citizen to bring a civil or criminal suit in a court of law against a public servant for doing something wrong in course of discharging his duties.
- Under following circumstances, the judiciary exercises control over administration -
 - (i) - Lack of jurisdiction - Every officer has to act within the limits of the authority given to him and also within a specified geographical area. If any civil servant acts beyond his authority or outside the geographical limits, will be declared by courts as ultra vires and hence ineffective.
 - (ii) - Error of law - A public servant may misinterpret the law and may impose upon the citizens duties and obligations which are not required by law. A citizen who has suffered an account of this has the right to approach the court for damages.
 - (iii) - Abuse of Authority - If a public official uses his authority vindictively to harm some person the court can intervene and punish him if he is found guilty of using his authority.

- (iv) - Habeas Corpus - It means literally to produce the body of. The purpose of this writ is to determine whether the person detained or restrained in his liberties. This is the one of the most powerful safeguards of liberty of the citizen.
- (v) - Writ of Mandamus - It means a mandate or a command. This writ is issued to a public official to do a thing which is a part of his official duty but which he has so far failed to do.
- (vi) - Prohibition - The writ of prohibition is a writ issued by a superior court to an inferior court for the purpose of preventing it from overriding its ~~jurisdiction~~ jurisdiction.
- (vii) - Certiorari - Certiorari means to be certified or to be made certain. The purpose of this writ is to direct an inferior court from superior court for transferring the records of proceedings of a case pending with it.
- (viii) - quo-warranto - Quo-warranto literally means what warrant or authority. The writ of quo-warranto is issued by the court to enquire into the legality of the claim which a party asserts to an office or franchise and to restrain him from its enjoyment.