

IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE

SAINT LUCIA

CLAIM NO. 2008/0084

BETWEEN

MARVIN ROY DEY

Applicant

AND

THE ATTORNEY GENERAL OF SAINT LUCIA

Respondent

Appearances

Mr. Horace Fraser for the Applicant
Ms. J. Modeste for the Respondent

2008: April 29

DECISION

Mason J

[1] In the case at bar the only question for this court is whether the decision to which the officer Mrs. Sandiford, came was one which she was legally permitted to take in the way she did.

[2] As we know judicial review is concerned not with the decision or its correctness but rather with the decision making process. Judicial review is not an appeal from a decision but a

review of the manner in which the decision was made. Put differently it is the process by which the determination was reached which must be wrong before the court can quash it.

[3] What do we have here? The Applicant presented certain documents to the officer relative to his application for citizenship. On perusal and consideration of said documents, the officer came to the conclusion that the Applicant did not satisfy the requirements.

[4] It is to be noted that the officer was not under a duty – whether common law or statutory – to give reasons for her decision but it is recognized that such a measure may be appropriate in order to permit possible challenge to the decision.

[5] The officer's decision was one with which the Applicant is not in agreement. Can this court interfere with that decision?

[6] I think not. The role of this court as stated before is not to be concerned with the correctness of the decision nor with evaluating the Applicant's evidence for his application nor to contemplate if the court would on the same facts come to the same or a different decision.

[7] The Court's role is merely supervisory to consider :

- a) *whether there has been an illegality i.e. whether the officer has misdirected herself in law*

b) *whether there has been an irrationality i.e. whether the officer's decision is so outrageous or its defiance of logic or of accepted normal standards that no sensible person who had applied his mind to the question to be decided could have arrived at it;*

c) *whether there has been procedural impropriety i.e. whether there has been a departure from any procedural rules or a failure to observe the basic rules of natural justice*

[8] I am satisfied that the officer has not transgressed any of these principles.

[9] Thus since judicial review involves a challenge to the legal validity of a decision and it does not allow the court of review to examine the evidence with a view to forming its own view about the substantial merits of the case, it is my judgment that the Applicant's application must fail.

ORDER

The Application for leave to make claim for judicial review is hereby refused.

No order as to costs.

SANDRA MASON Q.C.

High Court Judge