

**WOMACK V. REGENTS OF UNIV. OF N.M., 1971-NMSC-043, 82 N.M. 460, 483 P.2d  
934 (S. Ct. 1971)**

**JAMES E. WOMACK, Relator-Appellant,  
vs.  
REGENTS OF THE UNIVERSITY OF NEW MEXICO,  
Respondents-Appellees**

No. 9154

SUPREME COURT OF NEW MEXICO

1971-NMSC-043, 82 N.M. 460, 483 P.2d 934

April 12, 1971

Appeal from the District Court of Bernalillo County, McManus, Jr., Judge

**COUNSEL**

JAMES E. WOMACK, Albuquerque, New Mexico, Pro Se.

RODEY, DICKASON, SLOAN, AKIN & ROBB, WILLIAM A. SLOAN, Albuquerque, New Mexico, Attorneys for Appellees.

**JUDGES**

COMPTON, Chief Justice, wrote the opinion.

WE CONCUR IN THE RESULT:

LaFel E. Oman, J., Donnan Stephenson, J.

**AUTHOR:** COMPTON

**OPINION**

COMPTON, Chief Justice.

{1} This is an appeal by the relator from an order dismissing his application for a writ of mandamus directing the respondents to comply with constitutional and statutory requirements in the exercise of their official duties as Regents of the University of New Mexico. The claimed basis for his right of action is that he is a resident taxpayer. Relator is mistaken in this regard. {461} The University of New Mexico is a creature of the Constitution of the State of New Mexico, Art: XII, § 13, augmented by statute, § 73-25-3,

N.M.S.A. 1953, and the respondents owe their duties to the State of New Mexico, not to a private person. This being so, it follows that relator, though a taxpayer, has no standing to enforce by mandamus a duty owing to the public. State ex rel. Naramore v. Hensley, 53 N.M. 308, 207 P.2d 529. See 52 Am. Jur.2d, Mandamus, § 391.

{2} This is not to say that a private person may not move for mandamus to enforce a public duty not due to the State. State ex rel. Burg v. City of Albuquerque, 31 N.M. 576, 249 P. 242.

{3} We conclude that appellant was without standing to enforce mandamus. The order should be affirmed.

{4} IT IS SO ORDERED.

WE CONCUR IN THE RESULT:

LaFel E. Oman, J., Donnan Stephenson, J.