

Abstract

There is a difference between the duty of administrative and the civil judge. If the civil judge arbitrate in disputes arise among people of equal legal positions, according to the principle of equality before law so the duty of administrative judge is arbitrating between two parties don't always occupy the same legal position and that for the difference of the interests that they seek to achieve. The administration is always aim through its holdings of privilege to the public interest embody in satisfying public needs and the preservation of public order. As for the individuals they always seek to achieve their own interests or self. So we find that the administrative judge role is to find a balance between the right of administration in possession of the effective means to achieve its legal goals and the right of individuals to be protected from the tyranny of administration through its used of those means and compel it To the limits of the law.

Although the judicial work consider as restricted whether in its formalism or thematic elements so these restrictions don't respond to the judicial opinion in all its details sometimes legislator may find that the nature of the matter that deal with of the difference and contrast to the extent that can't achieve justice with it just through public abstract rules. So the judge has the right to evaluation for each state and choose the right solution for each case .Upon review of the terms in the various branches of law, we find that leaves no way for doubt that the legislator had admitted to the judge in sufficient space for assessment and selection and even recognize him this power one way or another . The fact that the work of the judge isn't automatically done in spontaneous

manner, but in its fact a work of intellectual and creative art and the discretion authority occupies great important in the field of administrative judicial work due to the nature of the disputes which arbitrate this elimination and the legal texts that control the relationship Of individual people with the management.

And because the modern emerge of the administrative law, and sustained development and transformation made the administrative judge plays a role didn't share by private law judge.

The administrative judge has broad discretion in his search for the defects of administrative decision by understanding the material facts and the works of the legal base.

To illustrate the extent of the administrative authority of the judge in the evaluation of defects that affect the staff of the administrative decision. In this research, we search administrative Iraqi judge authority on appeals in administrative decisions that raised him to reveal if he was following on his own approach or that follow the impress of a particular judicial system.