

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10021 OF 2022

Pratap Prakash Jadhav ... Petitioner
Versus
The State of Maharashtra and Anr. ... Respondents

Mr. Alankar Kirpekar a/w Sushmit Phatale, Mr. Nikhil Adkine, Dynaesh Patil and Mr. Aditya Raktade i/by Metanshu R. Purandare. Mrs. M. P. Thakur, AGP for the State.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 7th SEPTEMBER, 2022

P.C. :-

. The petitioner has filled in the form for the selection of public prosecutor. The advertisement was issued by the MPSC.

2. The learned counsel for the petitioner submits that the petitioner all along has studied in Marathi language. The proceedings before the Courts of Judicial Magistrate First Class (for short 'JMFC') and Civil Judge Junior Division (for short 'CJJD') are normally conducted in Marathi language. Marathi language is a local language. It is incumbent upon the respondent no.1 to conduct the examination in English as well as Marathi language. Even the question papers are to be in both Marathi and English language. The MPSC holds the exam for the selection of the JMFC and for the said exam also the question papers are in Marathi as well as English language. The learned counsel submits that even the Division Bench of this Court in case of *Prashant*

P. Giri & Ors. v/s. State of Maharashtra & Ors., 2010(5) Mh.L.J. 206 has also observed that “the policy of the State Government has now been implemented by directing Marathi to be a language of the lower Courts. This Court has issued instructions on the administrative side to the lower judiciary to write judgments in Marathi language. In our view, it would be in the fitness of things, if the candidates are given the facility of taking the examination of CJJD & JMFC in Marathi language also and answering the same in Marathi language. We recommend to the respondent no.1 to make the said facility available to the candidate at least from the next examination for selection of subordinate Judicial Officers in the State of Maharashtra (since the policy of the State Government)”.

3. According to the learned counsel, the petitioner has studied through out in Marathi language. If the petitioner is asked to answer the question paper in English language, the same would be prejudicial to the petitioner. The learned counsel, further, submits that while filling the application, respondents have not clarified that the examination would be in English language. On the contrary, in the advertisement it was clarified that the syllabus, the medium of writing the examination would be published subsequently. The same was published only in May 2022. The petitioner immediately on or about 24th June, 2022 gave a representation for conduct an exam in Marathi language also.

4. The learned AGP submits that the respondents are considering the representation of the petitioner and they would consider the same before the next examination. It is submitted that there are more than

7700 candidates appearing and it is only the petitioner who has raised an objection for answering in Marathi language. The learned AGP submits that it may not be possible to find the examiner to assess answer paper in Marathi language.

5. The examinations are scheduled on 11th September, 2022, when the petitioner had given representation on 24th June, 2022, the State had the time at its disposal to find out whether the examiners are available to assess the answer papers in Marathi language. This Court, way back in the year 2010 in a case of ***Prashant P. Giri & Ors. v/s. State of Maharashtra & Ors.*** (supra) had observed that at least from the next examination for selection of the subordinate Judicial Officers in the State of Maharashtra the facility be made available for answering the question paper in Marathi language. Twelve years have passed by. It cannot be comprehended that even after 12 years, the Government is still searching for the examiners to assess the answer papers in Marathi language.

6. The Division bench of this Court in ***Prashant P. Giri & Ors. v/s. State of Maharashtra & Ors.*** (supra) has observed that the policy of the State Government is now implemented by directing Marathi to be a language of lower Court. The Government ought to have been serious in implementing the said judgments in its letter and spirit. The Government cannot say that for the examination of the JMFC facility can be provided for answering in Marathi language and for the examination of Public Prosecutor the same facility would not be provided. In fact, it is the general stand of the Government to promote the local language (Marathi). We may not fathom the stand of the

Government.

7. The examinations now are scheduled on 11th September, 2022. It is contended apart from the petitioner no other candidate has raised objection for answering the question paper in Marathi language. There are about 7700 candidates. In view of that considering the proximity of time the examination is to be held, it may not be possible to pass further orders for the present examination. However, the respondents shall ensure that the next examination to be held for Public Prosecutors shall be conducted in English as well as Marathi language. The same was the observation and suggestion of this Court, way back in the year 2010 in case of *Prashant P. Giri & Ors. v/s. State of Maharashtra & Ors.* (supra). The same also would be implementing in the policy of the State Government of promoting the Marathi language i.e. the language of the State.

8. With the aforesaid observations, writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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