

(2013) 05 DEL CK 0408

In the Delhi High Court

Case No : Writ Petition (C) No. 651 of 2012

Dinanath Batra and Others

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 31-05-2013

Acts Referred:

Constitution of India, 1950 — Article 14, 16(1), 226, 315, 320

Citation : (2013) 05 DEL CK 0408

Hon'ble Judges : D. Murugesan, C.J.;Rajiv Sahai Endlaw, J

Bench : Division Bench

Advocate : Jagdeep Dhankar, Mr. B.S. Shukla and Ms. Monika Arora, for the Appellant; Naresh Kaushik, Ms. Aditi Gupta and Mr. A.K. Chaudhary for UPSC, for the Respondent

Final Decision : Disposed Off

Judgement

Rajiv Sahai Endlaw, J.—This petition under Article 226 of the Constitution of India, filed as a Public Interest Litigation, impugns the letter No. 13018/4/2008-AIS-I dated 15.10.2010 of the Government of India, Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions to the Union Public Service Commission (UPSC) communicating the approval to the changes in the Preliminary Examination of the Civil Services Examination, from the year 2011 onwards. Though the changes effected by the said letter are manifold, the challenge is only to inclusion in one of the two papers (of 200 marks each) of the said Preliminary Examination (PE), nomenclature whereof stands changed to Civil Services Aptitude Test (CSAT), of a test of English Language Comprehension Skills (Class X level) worth 22.5 marks. It is the contention of the petitioners that the said test of English Language Comprehension Skills adversely affects the Hindi and other regional language speaking candidates taking the said exam. Notice of the petition was issued. Counter affidavit has been filed by the respondent no. 2 UPSC which has been adopted by the respondent no. 1 Union of India as well. A rejoinder thereto has been filed by the petitioners. Mr.

Chittranjan Kumar, Advocate, Mumbai was allowed to intervene in the matter and make his submissions/arguments. He has also filed his written submissions. The senior counsel for the petitioners and the counsel for the UPSC have been heard.

2. It is the case of the petitioners:-

(a). that since the year 1979 and till the change aforesaid, the candidates appearing in the PE had to answer two objective type question papers; one of General Knowledge and one pertaining to a subject of the candidate's choice; the General Knowledge paper included topics like Current Events, History of India, India and World Geography, Indian Politics and Governance, Economy and Social Developments, Environment, Ecology etc.

(b) that the candidates who cleared the PE had to appear in the Main Examination which inter alia comprised of a test of English and Indian languages of Matriculation standard, but of qualifying nature only, the marks whereof were not counted for ranking.

(c). that in pursuance to the change aforesaid, in place of subject paper in the PE, the candidates have to take an Aptitude Test - this papers carries 200 marks out of which 22.5 marks are allotted to English Language Comprehension Skills (Class X level).

3. The petitioners challenge the inclusion of the test of English Language Comprehension Skills in one of the two papers in the PE/CSAT on the following grounds:-

(i). that the Presidential Order issued on 27th April, 1960 in accordance with the Report dated 8th February, 1959 of the Committee constituted under Article 344(4) of the Constitution of India to examine the report of the Official Language Commission appointed under Article 344(1) provided:-

(a). that local offices of the Central Government departments should use Hindi for their internal working and the respective regional languages in their public dealings;

(b). Union Government would be justified in prescribing a reasonable measure of knowledge of Hindi language as a qualification for entering into their services;

(c). though English may continue as the medium of instruction for training establishments such as the National Defence Academy but suitable steps may be taken to introduce Hindi as the medium for all or some of the purposes of instruction;

(d). that Hindi and English should be the media of examination for entrance to training establishments with the option to candidates to select either with reference to all or any of the papers; and;

(e). that ultimately there should be two compulsory papers of equal standard, one in Hindi and another in a modern Indian language other than Hindi to be

selected by the candidate;

(ii). that in the year 1968 both Houses of Parliament vide Resolution dated 18th January, 1968 agreed that a more intensive and comprehensive programme shall be prepared and implemented by the Government of India for accelerating the spread and development of Hindi and its progressive use for the various official purposes of the Union and for compulsory knowledge of either Hindi or English at the stage of selection of candidates for recruitment to Union Services or posts except in respect of any special services for which a high standard of knowledge of English alone or Hindi alone may be considered essential and that all the languages included in the 8th Schedule to the Constitution and English shall be permitted as alternative media for All India and higher Central Services Examination;

(iii). that the Central Hindi Committee presided over by the Prime Minister in the year 1977 constituted a Committee under the Chairmanship of Dr. D.S. Kothari and which Committee recommended that the medium of examination may be any of the principal languages of India. In accordance with the said recommendations, the UPSC in the year 1979 permitted Civil Services Examination in any of the principal languages of India and which allowed candidates from small towns who could not afford pricey English language medium schools, to gain entry into the Civil Services;

(iv). that the impugned change in PE is without consulting the Central Hindi Committee or the Central Committee of Joint-Secretaries dealing with the official language or the Central Official Language Implementation Committee;

(v). that though the Central Government provides coaching for Civil Services Examination to the candidates belonging to certain sections of the society but the Institutes imparting the said coaching or their students were also not consulted before the impugned change in PE;

(vi). that the compulsory test in English Language Comprehension Skills of 22.5 marks is violative of Articles 14, 16(1), 343 & 351 of the Constitution;

(viii). that every year more than 4 lac candidates appear in Preliminary Examination of Civil Services out of which approximately 12000 are selected for the main examination;

(ix). any student who is weak in English language will automatically lose in the aforesaid paper comprising of 22.5 marks;

(x). that year by year the number of students writing the main examination in Hindi language is increasing;

(xi). that a candidate not having good command over English language will not understand the passage (for comprehension) and will not be able to answer the questions properly which would result in his/her rejection at the PE/CSAT stage only;

(xii). in this age of cut-throat competition, even a single mark can makes a huge difference and can eliminate a candidate; that nine questions on English Language Comprehension Skills worth 22.5 marks are uncalled for and would eliminate the students not much familiar with English language.

Reliance in the writ petition itself is placed on R.R. Dalavai Vs. The State of Tamil Nadu, Union of India (UOI) and Others Vs. Murasoli Maran, and Santosh Kumar and others etc., Vs. The Secretary, Ministry of Human Resources Development and another,

4. The Intervenor claims to have filed Public Interest Litigation No. 45/2000 before the Bombay High Court challenging the discriminatory English language policy of the Government, prevailing since three decades, in the Civil Services Examination, depriving the candidates from rural and semi urban backgrounds from getting a fair chance and level playing field in the said examination. He further pleads, that though he had in the said petition itself sought to challenge the change in PE challenged in this petition but was directed to file a substantive petition; that the respondents in response to the queries of the Intervenor had sought to justify the test of English Language Comprehension Skills on the basis of the Rules framed and notified by the Government and on the recommendations of Professor S.K. Khanna Committee. The Intervenor challenges the impugned changes in PE, besides on the grounds taken by the petitioners, also on the grounds, i) that the English Language Comprehension Skill test favours few comparatively affluent candidates and to the deprivation of a large number of Indians; ii) that the same makes the English section virtually compulsory and which is an attempt to reduce the significance of Hindi which is the official language of India; iii) that it widens the urban rural divide; iv) that the same encourages a candidate from a English medium background but with a low aptitude to outscore a candidate from a vernacular medium background with equal aptitude; v) that English test has to be removed to provide a level playing field to all aspiring candidates; vi) that the same creates an imbalance in the social structure by recruiting elitist English educated youths who may not share the same concern and empathies which a candidate from rural/semi-urban background would feel for his roots; vii) that there is no nexus between the test of English Language Comprehension Skills with the objective to be achieved at the Civil Services Preliminary Examination; viii) that S.K. Khanna Committee of the year 2010 overlooked the B.B. Bhattacharya Committee recommendations of the year 2011.

5. The respondents have opposed the petition by filing a counter affidavit pleading:-

A. that the portion of English Language Comprehension Skills constitutes a miniscule portion i.e. only nine questions carrying 2.5 marks each;

B. that the changed format of Civil Services Preliminary Examination was introduced from 2011 on the basis of the recommendations of the Expert

Committee as approved by the Government;

C. that the Supreme Court in *Narmada Bachao Andolan Vs. State of MP* (2000) 11 SCC 639 has held that Court cannot strike down a policy decision taken by the Government merely because it feels that another decision would have been fairer or more scientific or logical or wiser. Reliance in this regard is also placed on *The University of Mysore and Another Vs. C.D. Govinda Rao and Another*, *Km. Nelima Misra Vs. Dr. Harinder Kaur Paintal and others*, *The Secretary and Curator, Victoria Memorial Hall Vs. Howrah Ganatantrik Nagrik Samity and Others*, , *Dr. Basavaiah Vs. Dr. H.L. Ramesh and Others*, , *State of H.P. and Others Vs. Himachal Pradesh Nizi Vyavsayik Prishikshan Kendra Sangh*, and *State of Tamil Nadu and Others Vs. K. Shyam Sunder and Others*,

D. that the change which has been brought about after in-depth consideration of relevant aspects by a Committee of Experts, does not deserve interference in judicial review particularly at the instance of a group of persons who have approached the Court in the absence of any relevant material and the petition is based on mere assumptions and presumptions;

E. that no prejudice is likely to be caused to anyone by such change;

F. that UPSC is continuously endeavouring to have reforms in the scheme of examinations to make it the most apt and most suitable for selection of best candidates; that need was felt of reform in the pattern of Civil Services Preliminary Examination introduced since 1979 after recommendations of Professor D.S. Kothari Committee; although two more Committees were formed after the Kothari Committee but the pattern remained unaltered since 1979; that a Review Committee during the year 2000 headed by Professor Y.K. Alagh to review the scheme of Civil Services Examination was set-up; that the Alagh Committee noted that there had been a change world over in the recruitment and training of civil servants by laying more focus on professionalism, technological savyness, flair for system management and strategic planning and concern for human rights in determining the suitability of candidates; that the Alagh Committee recommended a need of significant overhaul and forwarded its recommendation to the Government during June, 2002; however Government did not take any decision on implementation of the said recommendations; that during the year 2008 UPSC approached the Government to have a change for updating the scheme; that the Government vide letter dated 17th February, 2000 conveyed their approval of two basic aspects of replacement of existing Civil Services Preliminary Examination by a Civil Service Aptitude Test ? the object was primarily to test the aptitude and analytical ability of the candidates along with the English knowledge skills; the Government also approved that there would be a second paper on General Studies and a broad outline of the aptitude test was also indicated in the approval of the Government; that the UPSC thereafter set up an Expert Committee to decide on the syllabus of both the papers; accordingly the Committee headed by Professor S.K. Khanna, former Vice Chairman, UGC to give specific recommendations on various aspects of the

syllabus was constituted; that the Professor S.K. Khanna addressed a letter dated 18th August, 2010 to the Government and the Government in response dated 15.10.2010 (impugned in this petition) conveyed the approval to the changes recommended and on 19th February, 2011 notified the Rules of examination in the Gazette of India Extraordinary by incorporating the said changes;

G. that the examination is in consonance with the language policy of the Government and as per the said policy the candidates are allowed to opt for any language included in the VIIIth Schedule to the Constitution (including English and Hindi) as medium of writing the Civil Services Main Examination; besides all the question papers (including those which are objective type in nature) are made bi-lingual (Hindi & English) in the Civil Services Examination;

H. that the standard or level of knowledge of English that is expected of a candidate is only of that of Xth standard and English is a compulsory subject in most schools till the Xth standard whether English medium or not and is taught as such;

I. that even the Dr. D.S. Kothari Committee had recommended compulsory paper of English of matriculation standard and adequacy of knowledge and proficiency in the use of English and thus the impugned Notification cannot be said to be a retrograde step or in violation of the recommendations of the Dr. D.S. Kothari Committee;

J. Professor S.K. Khanna Committee recommended inclusion of a small component of English language of matriculation standard in one of the objective papers for the reason of English, already being a compulsory part of overall examination scheme; English is being compulsorily taught up to the secondary standard in most school examination; a minimum level of proficiency in English being considered necessary for higher civil servants as has come out clearly in interactions with various stakeholders; English is the official language of some States, High Courts and Supreme Court and is extensively used in Government of India;

Reliance is placed on Javid Rasool Bhat and Others Vs. State of Jammu and Kashmir and Others, laying down that it is not within the province or competence of the Court to interfere in examinations and following which the High Court of Madhya Pradesh in Awadeesh Nema Vs. State of MP AIR 1989 MP 61 rejected the challenge to the action of the Board prescribing General English as one of the subjects for the entrance examination; and on Dr. Dinesh Kumar and Others (II) Vs. Motilal Nehru Medical College, Allahabad and Others, to contend that some knowledge of English as a language of comprehension is important.

6. The petitioners in their rejoinder have highlighted that the counter affidavit does not deal with the Constitution provisions and further contends that Y.K. Alagh Committee was a small Committee which did not invite public to appear before it and whose report was never published and did not have representation

from different languages; its recommendations are without reference to the Presidential order of the year 1960. Reference is also made to the report of Official Knowledge Commission inter alia on the medium of examination.

7. Though the arguments of the counsels were lengthy and as expected passionate and spanned over several dates but we herein below record only submissions in addition to what is already part of the pleadings hereinabove mentioned.

8. The senior counsel for the petitioners contended:-

(I). that the penalty for wrong answers applies to the comprehension skill section of the paper also;

(II). that owing to the penalty for wrong answers the impact of the English Language Comprehension Skills section, though of 22.5 marks, can be of as many as 30 marks and which are vital in this day of competition;

(III). that English thus becomes the only language, comparative knowledge whereof determines the position/rank in the result of the examination;

(IV). that earlier, the test of English language was only a qualifying and not a competitive one;

(V). that in the main examination English is still only a qualifying subject;

(VI). that in the Government schools English is taught only from Vth Class; thus the aspirants from Government schools will not have that proficiency in English language; and,

(VII). that the Rule of non-interference in policy matters does not apply if the policy is unconstitutional.

9. The Intervenor in his written submissions has graphically and pictorially demonstrated the affect of superiority in English language on the result of the examination.

10. The counsel for the respondent UPSC has contended that the challenge by the petitioners is twofold i.e. on the anvil of Article 14 of the Constitution of India and on the basis of Chapter XVII of the Constitution of India. He contends that as far as the challenge on the basis of Article 14 is concerned, the challenge is vague, no facts and figures have been given, the case built up is hypothetical and there is nothing to show that the inclusion of English Language Comprehension Skill Test in the PE is prejudicial to the Non-English speaking aspirants. Qua the challenge on the basis of Chapter XVII of the Constitution of India, it is contended that it is on a wrong interpretation of the constitutional scheme. He has during the hearing handed over the report of Professor S.K. Khanna Committee on the basis whereof the impugned change has been effected. It is further contended that the question raised is in the domain of service matters on which no PILs are permitted.

11. The inclusion of the section English Language Comprehension Skills worth 22.5 marks out of total 200 marks in one of the two papers of PE/CSAT, does indeed make the test of knowledge of English language a competitive one as distinct from hitherto before qualifying one. The argument, that the provision for penalty for wrong answers, raises the maximum impact of said Section from 22.5 marks to 30 marks, has also gone un rebutted. The component of 30 out of 200 marks i.e. 15%, cannot in our opinion be said to be miniscule and even if miniscule in comparative terms, is enough to tilt the result of the competition/selection.

12. We will next first examine whether there is anything in the Constitution of India or the Presidential Order issued on 27.04.1960 or elsewhere, which prohibits selection for Civil Services on the basis of test of English language comprehension.

13. Part XVII of the Constitution of India titled "Official Language" comprises of Articles 343 to 351, grouped under four chapters.

14. Chapter I titled "Language of the Union", in Article 343 prescribes Hindi in Devanagari script as the language of the Union but permits continuation of English Language for all official purposes of the Union in which it was being used immediately before such commencement of the Constitution for a period of fifteen years from such commencement and allows the Parliament to by law provide for the use after the said period of fifteen years also of English Language for such purposes as may be specified in law. Article 344 provides for constitution of a Commission to make recommendations for the progressive use of Hindi Language for official purposes and of a Committee to examine the recommendations of the Commission and report to the President of India and for the President of India to issue directions in accordance therewith.

15. Chapter II titled "Regional Languages" encompasses Articles 345 to 347 and has no relevance to the matter for adjudication.

16. Chapter III titled "Language of the Supreme Court, High Court etc." encompassing Articles 348 and 349, notwithstanding anything in the earlier provisions, provides for proceedings in the Supreme Court, High Court, authoritative texts of all Bills to be introduced or amendments thereto to be moved in Parliament and for all Acts passed by the Parliament and Orders, Rules, Regulations and Bye-laws to be in English language until the Parliament by law otherwise provides.

17. Chapter IV titled "Special Directives" inter alia provides that it is the duty of the Union to promote the spread of the Hindi Language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment.

18. We, in none of the aforesaid, find any bar to selection of Civil Servants on the basis inter alia of a test of English language comprehension. Article 343 itself

permitted continuation of use of English language for fifteen years and thereafter also, by law made by Parliament. The Parliament, by promulgating The Official Languages Act, 1963 has, in addition to Hindi provided for continuation of the use of English language for all official purposes of the Union for which it was previously being used and for all transactions of business in Parliament. In the light of the same, Article 344 and Articles 350A and 351 providing for the progressive use of Hindi and restrictions on the use of English language and promotion and spread and development of Hindi language, cannot also be seen as prohibiting the selection of Civil Servants inter alia on the test of English Language Comprehension Skills.

19. Similarly, we do not find any such prohibition in the Presidential Order or Resolution of both Houses of Parliament aforesaid.

20. As far as judgments cited by petitioners are concerned, the Supreme Court in *Murasoli Maran* (supra) was concerned with the challenge to the Presidential Order dated 27th April, 1960 supra and the consequential orders of certain government departments providing for training of administrative personnel in Hindi medium and upheld the additional benefits on those learning Hindi, tracing the source thereof in Articles 343 and 344 of the Constitution and negated the challenge thereto on the basis of the Official Languages Act. It was held that permissive use of English language cannot come in the way of Constitutional mandate of development of Hindi. Similarly, *R.R. Dalavai* was a judgment where grant of pension to Anti-Hindi agitators was struck down for the reason of the same being in encouragement of emotion against Hindi. The observations of the Supreme Court in *Santosh Kumar* also came to be made in the context of the challenge to the removal of Sanskrit as an elective subject in the syllabus.

21. The position here is entirely different. Here, the challenge is not to any action developing the use of Hindi language but to the inclusion of test of English Language in the competitive segment of the examination on the ground that the same is to the detriment of the Non-English speaking aspirants to the civil services.

22. Once we do not find any bar in law to the change in PE impugned in this petition and no case of the same being violative of any law having been made out, the same cannot be said to be discriminatory on the anvil of Article 14 of the Constitution. The respondents have justified the competitive test of English Language Comprehension Skills as necessary for selection of Civil Servants in the modern scenario. Once the government as the employer and the UPSC as the selecting agency are of the opinion that those with an edge in English language are more suited to be civil servants and which indeed is a policy matter with which Courts are loathe to interfere, the contention of discrimination disappears, as for a case of discrimination to be made out, there have to be equals and absence of any intelligible basis for treating them as un-equals. Here, according to respondents, superior knowledge of English gives a cutting edge to the civil servants required to deal with global affairs and which would be a reasonable

classification.

23. Thus, though we do not find any merit in the challenge, on the grounds urged, but we still find an element of arbitrariness, also within the domain of Article 14, in the decision of the respondents to effect the change impugned in this petition.

24. The acceptance of the recommendations of Kothari Committee and the switchover in the year 1979, from the holding of examination for selection of Civil Servants, earlier only in English language, to in Hindi language also and making the test of knowledge of English language only a qualifying, as distinct from a competitive one, does however reflect the policy and intent of the Government to, knowledge of other subjects being equal, not select civil servants on the basis of superiority of knowledge of English language and of, all having the basic knowledge of English language being at par.

25. The respondents have by the impugned change no doubt reversed the aforesaid decision. No reasons, except of the recommendation of Professor S.K. Khanna Committee have been cited for such change. We have perused the report of Professor S.K. Khanna Committee. The reasons mentioned therein, are the need for language testing and English language testing being important in the present context where a civil servant is expected to function in a globalized environment. Though no doubt there has been a sea change in the duties of and expectations from the civil servants and in the economic scenario between the years 1979 and 2010 and change per se is not arbitrary and rather it is essential to change with the times but neither the recommendations of Professor S.K. Khanna Committee nor the letter of acceptance by the Government thereof show any application of mind by the appropriate authorities in the UPSE or the Government to the aspect of the change challenged in this petition. The counter affidavit of the respondents also does not disclose any study of the candidates selected between the years 1979 and 2010 having been done, of their performance as civil servants on the anvil of knowledge of English language. A vague reference to consultation with all stakeholders and non disclosure of material before the Y.K. Alagh committee and which possibly can be on the basis of human perceptions which have no basis and can be erroneous cannot be a substitute for a scientific study in this regard. In the present day of specialized surveys and studies by experts and rating and credit agencies, the impugned change, which indeed is a vital shift from the policy adopted in the year 1979, seems to have slipped in without proper attention being bestowed thereon from the concerned persons. It is well nigh possible that while approving the larger change from PE to CSAT and of which the impugned change is one of the say twenty components, may have gone un-noticed.

26. We say so for the reason that, the Professor S.K. Khanna Committee in its report has justified the inclusion of test of English Language Comprehension Skills in the competitive segment of the examination by observing that it was not eliminative of any segment of aspirants as the test was to be of the same

standard as the standard prescribed in the qualifying examination which is part of the main examination. There is as aforesaid, nothing to show application of mind on the said aspect by the Government. We find a flaw in the justification aforesaid in the report of Professor S.K. Khanna. Even if the standard of test of English language, in the competitive as well as the non-competitive/qualifying segment of the examination be the same, to our mind, while the candidate scoring merely qualifying marks and the candidate scoring 100% marks, in the non competitive/qualifying segment would be at par, the difference of 22.5 or 30 marks in the PE/CSAT is likely to eliminate the low scorer from the race. The report of Professor S.K. Khanna, to the extent the same observes that the inclusion of the component/section of test of English comprehension skills in the PE/CSAT will not eliminate any section of aspirants thus appears to be erroneous.

27. We similarly find retention/continuance of test of English language as a qualifying paper in the main section of the examination inspite of inclusion of at least the component of "comprehension" thereof in the competitive segment of the examination and/or in the elimination round of the examination, anomalous. We are not told as what is the difference in the test of English language in the competitive and the non competitive segment of the examination. If indeed the reasoning for the change, as set out in the counter affidavit of the respondents, i.e. need for knowledge of English language in the globalised environment, is correct, then we do not see the purpose of retaining the qualifying test of English language in the main section of the examination. The same is indicative of uncertainty at the end of the respondents, of the nature of test of English language they want to take of the aspirants to civil services.

28. Notwithstanding our observations aforesaid, the decision in above matters, has to be of the respondents and not of the Courts. The errors pointed out above are not to strike down the impugned change but only to enable a decision in proper perspective. The Constitution of India has vide Articles 315 and 320 set up the UPSC to conduct examinations for appointments to services of the Union and to provide consultation on matters relating to recruitments to civil services and on the principles to be followed in making such appointments. The Supreme Court in Secy. (Health) Deptt. of Health and F.W. and Another Vs. Dr. Anita Puri and Others, has held that such Public Service Commissions have the discretion of evolving mode of evaluation of merit and selection of candidates. Similarly in A.P. Public Service Commission Vs. Balaji Badhavath and Others, it was held that, how and in what manner the State and Public Service Commission comply with constitutional requirements of Article 335 should ordinarily not be allowed to be questioned. Mention here, may also be made of Hindi Hitrakshak Samiti and others Vs. Union of India and others, laying down that not holding entrance examination in Hindi or regional language cannot be held to be amounting to denial of admission on the ground of language and that every educational institution has right to determine its method of education and conditions of examination and such are matters of policy to be formulated by the State and the Courts are not the forum to adjudicate upon such questions. Reference with

benefit can also be made to Raghvendra Prasad Gautam Vs. Union Bank of India and Another, where a Division Bench of the Madhya Pradesh High Court speaking through Dipak Misra, J. (as his Lordship then was) negated the challenge to test in English language, on about the same grounds as urged before us, by inter alia observing that in the absence of legislative prohibition against such use, English can be used for official purposes of the State and adoption of Hindi as official language or the Constitutional mandate for development of Hindi language would not exclude the right of the authorities to prescribe English as a subject in any examination.

29. We, therefore, though not inclined to quash/interfere with the impugned change, are constrained to nevertheless observe that the respondents need to relook into the matter, including in the perspective discussed above. Though the petitioners, prior to filing this petition, had made representations but the same also do not appear to have been dealt with appropriately. Rather, it is sad that the Union of India did not even chose to file a reply to the writ petition and chose to adopt the counter affidavit of the respondent UPSC. The matter requires looking into by the appropriate authority in the Govt. of India also as it is ultimately with the approval of the Government of India, that the impugned change has been effected.

We therefore dispose of this petition by directing the Union of India to, within three months here from, constitute appropriate Committee/Body, if not already in place, for examination of the questions aforesaid raised by the petitioners in this petition and the representations of the petitioners and as highlighted by us in this judgment and to, in consultation with the UPSC, within nine months take a decision on the nature of the test of knowledge of English language in the Civil Services Examination i.e. whether it is to be only qualifying or competitive or mixture of both. We are confident that such Committee, in its report will give reasons for its decision.

No costs.