
(2014) 07 DEL CK 0318
In the Delhi High Court
Case No : W.P. (C) 3994/2014

Shahid Ali

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 02-07-2014

Acts Referred:

Constitution of India, 1950 — Article 343

Citation : (2015) 213 DLT 164 : (2014) 4 ESC 1903

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : Mohd. Shariq and Wasim Alam, Advocate for the Appellant; Sachin Datta, CGSC, Ritika Jhurani, Adv., Naresh Kaushik, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—The present petition filed as a Public Interest Litigation (PIL) impugns the Notification dated 5th March, 2013 of the respondent No. 2 Union Public Service Commission (UPSC) whereby Arabic and Persian have been excluded from the list of optional subjects mentioned in Group-II "literature of languages" of the Main Examination for the Civil Services conducted by the UPSC. The petition also seeks a direction to the respondents to again include Arabic and Persian as subjects in which the candidates can take the said examination.

2. The petitioner claims to be a practicing Advocate of this Court and is neither a candidate for the said examination nor an aspirant for the Civil Services. We have as such enquired from the counsel for the petitioner as to how the issue can be taken up as PIL. It is not as if the persons if any affected or aggrieved by the impugned Notification are not in a position to themselves approach this Court. Such persons if any, being aspirants to the Civil Services of this Country, are more than well equipped to and capable of, if aggrieved from exclusion of Arabic and Persian language from the subjects in which the said examination can be taken, to themselves challenge the same.

3. The legal tool of Public Interest Litigation was invented by the Courts as an exception to the otherwise well established rule, of only a person having cause of action or locus standi being entitled to approach the Court. Such invention was deemed necessary finding that in certain situations, owing to social or economic backwardness or other reasons the aggrieved parties were themselves unable to approach the Court (See S.P. Gupta Vs. President of India and Others, and State of Uttaranchal Vs. Balwant Singh Chauhal and Others,). The field of operation of the said tool was expanded to cover situations where a general direction of the Court was deemed necessary, not for the benefit of any one person or a group of persons but for the benefit of the public generally viz. protection and preservation of ecology, environment etc. and for maintaining probity, transparency and integrity in governance. The Supreme Court else has been repeatedly issuing warnings, of allowing the said tool of Public Interest Litigation to be misused (See BALCO Employees Union (Regd.) Vs. Union of India and Others,). The petitioner has been unable to satisfy us as to how it is entitled to file this petition in public interest. The warnings issued by the Supreme Court, of Public Interest Litigation becoming Publicity Interest Litigation (See Neetu Vs. State of Punjab and Others, and of allowing "meddlesome interlopers" to file Public Interest Litigation (see S.P. Gupta supra) is apposite in this regard. Similarly, in Holicow Pictures Pvt. Ltd. Vs. Prem Chandra Mishra and Others, it was held that Public Interest Litigation is to be used for delivering social justice to the citizens.

4. The present case falls in neither of the said categories. The persons if any who had made themselves eligible to take the examination in the said subjects and who are aggrieved from exclusion thereof can neither be said to be socially or economically backward nor can it be said that the action of the respondent UPSC of such exclusion is such as affecting the general public without affecting anyone in particular. The petitioner has been unable to satisfy us as to how is he entitled to file the petition in public interest. The Supreme Court, in Holicow Pictures Pvt. Ltd. supra has also held that the Court has to act ruthlessly while dealing with such busybodies or meddlesome interlopers impersonating as public spirited persons and masquerading as crusaders of justice. Similarly, in Dr. B. Singh Vs. Union of India (UOI) and Others, it was held that Courts should not waste valuable judicial time which can be otherwise utilized for disposal of genuine cases, in deciding petitions which cannot legitimately be called PILs.

5. The counsel for the petitioner has however argued that the petitioner had earlier also by way of W.P. (C) No. 1964/2014 raised the said issue by way of a PIL and which petition was entertained and disposed of on 26th March, 2014 owing to the petitioner having made the representation in this regard to the respondent UPSC just prior thereto, and directing the respondent UPSC to give a response to the said representation of the petitioner.

6. We are unable to hold that the petitioner, if otherwise not entitled to raise the said issue by way of a PIL as above observed, shall become entitled to do so for

the reason of the aforesaid. This Court, in the order dated 26th March, 2014 did not go into the said aspect and it thus cannot be said that the petition for the said reason is entitled to be entertained as a PIL.

7. We may also record that the respondent No. 2 UPSC has in its response dated 28th April, 2014 to the representation of the petitioner informed the petitioner that "The scheme of examinations had undergone certain changes since 2013 according to the suggestions made by a Review Committee constituted by the Commission, inputs of the Commission thereon and acceptance of some of its recommendations by the Government. The modified scheme of Civil Services Examination, 2013 were accordingly notified by the Government wherein literatures of those languages which are presently included in the 8th Schedule to the Constitution of India, besides English, were offered as optional subjects for the Civil Services (Main) Examination".

8. The petitioner, in response to our query as to what is the right if any to take the examination in Arabic or Persian literature and how the impugned action of the respondent No. 2 UPSC can be said to be illegal, though admits that along with Arabic and Persian other foreign languages have also been excluded but contends that since English language which is also not included in the 8th Schedule has been retained, Arabic and Persian be also retained.

9. We are unable to agree that English language is to be equated with other foreign languages. Article 343 of the Constitution of India, while prescribing Hindi in Devanagari script as the language of the Union, permits continuation of English language for all official purposes of the Union in which it was being used immediately before commencement of the Constitution, for a period of 15 years from such commencement and allows the Parliament to by law provide for the use after the said period of 15 years also, of English language for such purposes as may be specified in law. 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. The same cannot be said of Arabic or Persian or other foreign languages. There is thus no merit also in the contention of the petitioner of discrimination.

10. The counsel for the petitioner has vaguely also sought to argue that Arabic and Persian continue to be taught in various educational institutions. The same also in our view does not mandate the inclusion thereof as a subject of examination for appointment to the Civil Services of the country. The appointing authority is fully entitled to choose the subjects in which it desires to test the candidates for such appointment.

11. We therefore do not find any merit in the petition which is dismissed. We however refrain from imposing any costs on the petitioner.