

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11031 OF 2025

Krishnakumar Vitthalsingh Pardeshi ...Petitioner
Versus
State of Maharashtra
through the Secretary Rural Development & Ors. ...Respondents

Mr. CT Chandratre, for the Petitioner.
Ms. M.P. Thakur, AGP for the Respondent No.1 – State.
Mr. Pradip Patil, for the Respondent Nos.2 to 4.

CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.

RESERVED ON: 24th AUGUST 2026
PRONOUNCED ON: 31st AUGUST 2026

JUDGMENT (Per Dr. Neela Gokhale, J.)

1. By this petition, the Petitioner seeks a direction to the Respondents to decide his representation dated 05th June 2025, expeditiously. By way of the representation, the Petitioner had sought an early decision on his pensionary claim, as his claim remained undecided on account of a belated objection raised by the Respondents of the Petitioner not having undergone a mandatory Marathi Language Examination as per the terms of the service.

2. The Petitioner was appointed as a Pharmacist (Class – III) on 8th January 1993, in the office of the Chief Executive Officer, Zilla Parishad, Thane (CEO - Thane). Thereafter, he was transferred to Zilla Parishad – Palghar. The

Respondent No.1 is the State of Maharashtra; the Respondent No.2 is the District Health Officer of the Zilla Parishad, Palghar; the Respondent No.3 is the Medical Officer of the Primary Health Centre, Palghar; and Respondent No.4 is the CEO of Palghar Zilla Parishad.

3. The Petitioner was promoted to the post of Pharmacy Officer and by order dated 4th December 2006 was declared as quasi permanent. He superannuated on 31st July 2023.

4. Marathi Language Examination Rules of 1987 were issued by the General Administration Department (GAD). Rule 3 of the said rules requires a Government Servant to pass an examination of proficiency in Marathi language, within two years from the date of their appointment. Rule 4 provides for an exemption from passing the said exam, subject to certain terms and conditions mentioned therein. By notification dated 7th February 2001 of the GAD, Rule 4 was amended and the amended Rule added an exemption that a person who claims Marathi to be his mother tongue is exempt from passing the said exam subject to satisfaction of the following conditions:

- a) he should be capable of writing effortlessly in Devanagari script;
- b) he should produce a certificate that he was educated upto 7th Standard in Marathi medium; and
- c) he should produce a certificate from a superior officer that he can correspond in Marathi.

5. The Government Resolution dated 20th May 2003, issued by the General

Administration Department further exempted candidates who retired during 1st January 1996, and 30th April 2003 from fulfilling the conditions of the said Rules.

6. The Petitioner having served for as many as 30 years, superannuated on 31st July 2023. While fixing his retiral benefits, the Respondent No.2 raised a query regarding the Petitioner not having passed / appeared for the Marathi Language Exam. There is correspondence between the Respondents *inter se* in this regard and finally the Respondent No.1 directed the Competent Authority to decide upon the issue regarding the Petitioner not having appeared / passed in the Marathi Language Exam in terms of the relevant Rules of the Government Resolution dated 8th May 2003. The fixation of pensionary benefits to the Petitioner depended upon the decision regarding relaxation of the Rule mandating passing of the Marathi Language Exam. The Petitioner had also made a representation to the Respondents to fix his pension and to decide the issue regarding non-appearance / non-passing in the Marathi Language Exam. The representation is still pending decision. Thus, aggrieved by the inaction on the part of the Respondents in deciding his representation, the Petitioner has filed the present petition for the reliefs as prayed.

7. While granting time to the Respondents to file their reply, this Court by order dated 19th August 2025, directed the Respondent No.4 to ensure that the provisional pension to the extent of 90% is paid to the Petitioner. Accordingly, we are told that 90% of his pension is being paid to the Petitioner.

8. Mr. Pradip Patil, learned Advocate represented Respondent Nos.2 to 4 and Ms. M.P. Thakur, learned AGP appeared for the State. We heard the learned

Counsel and perused the record with their assistance.

9. The Petitioner has averred in his petition that he is a resident of Maharashtra and his mother tongue is Marathi. He is well-versed in the language. Since his appointment in 1993, he has performed his duties in Marathi Language and Devanagari script. Till his retirement he was never informed regarding the requirement of passing the Marathi Language Exam. Furthermore, he is entitled to exemption as per the relevant Rules. On these grounds amongst others the Petitioner prays that the petition be allowed.

10. Mr. Patil and Ms. Thakur submitted that pursuant to Order dated 19th August 2025, the Petitioner is being paid a provisional pension to the extent of 90% of his total pension. Mr. Patil submitted that the Petitioner has suppressed facts in the petition and hence his petition should be dismissed on this ground alone. He submitted that the Petitioner has not placed on record his appointment letter containing the terms of his appointment. He drew attention to Clause 5 of the terms which provided that the Petitioner shall pass such language and other departmental examinations as may be required by the Government. Hence, according to Mr. Patil, the Petitioner was well aware of the conditions of his appointment. Further, Mr. Patil assailed the very appointment letter of the Petitioner by saying that the same was forged. He further submitted that the Rules are sacrosanct and the Petitioner was required to pass the Marathi Language Exam. Not having done so he is not entitled to his pensionary benefits. In fact, Mr. Patil submitted that the authority to decide the Petitioner's representation seeking exemption from the said exam is within the purview of the Government

and the Respondent Nos.2 to 5 have no role in that regard. The Government of Maharashtra – Respondent No.1 has directed the Respondent Nos.2 to 4 to decide the Petitioner's representation as per the relevant Rules and hence, they are contemplating as directed. Thus, Mr. Patil urged the Court to dismiss the petition.

11. Before we consider the factual matrix involved in the present case, we find it necessary to record our strong disapproval for the inaction of the Respondents in failing to decide the Petitioner's representation dated 5th June 2025 within a reasonable period. We further find it ludicrous that no objection was ever raised by the Respondents to the Petitioner for not satisfying the condition of passing the Marathi Language Examination and it is only when the Petitioner superannuated and requested his pensionary benefits, the Respondents found it necessary to raise the issue about the said condition. The stoddiness on the part of the Respondents is in fact demonstrated by the fact that despite not passing the Marathi Language examination, the Petitioner was promoted as a Pharmacy Officer and was even made permanent. The Respondent's belated objection is preposterous and absurd.

12. We have perused the relevant Rules. The notification dated 7th February 2001 issued by the GAD reads thus:

*GENERAL ADMINISTRATION DEPARTMENT
(Mantralaya, Mumbai- 400 032 dated 7th February 2001)*

NOTIFICATION

Constitution Of India

No. MBMAR1007/1652/ Cr-72/97/XXB- In exercise of the power conferred by the provision to Article 309 of Constitution of India, the Governor of Maharashtra is hereby pleased to make the following Rules to amend the Maharashtra Govt. Servants (other than High Court servants) Marathi Language Examination Rules 1987 namely :-

1. These Rules may be called the Maharashtra Govt. Servants (other than High Court services) Marathi Language Examination amendment Rules 1999
2. In Rule 4 of the Maharashtra Government Servants (other than High Court Servants) Marathi Language Examination Rules 1987-

(a) After Sub Rule (1) the following sub-rule shall be inserted, namely :-

(1A) A Government servant who passes the Secondary School Certificate Examination after entering in to the Government service, with Marathi as a Higher Standard or Lower Standard subject and obtains not less than 50 percent marks, shall be exempted from passing of paper-1 of the Higher Standard Examination or as the case may be, lower standard examination.”

(b) For sub-rules (2) and (3) following shall be substituted namely :-

“(2) A Government servant-

(i) Who claims that his mother tongue is Marathi;

or

(ii) Who does not claim that his mother tongue is Marathi but that he has studied in Marathi medium and who has not passed Secondary School Certificate Or Higher Standard Examination with Marathi, Shall fulfill the following conditions for getting exemption from these rules :-

(a) He should be able to right with facile in Devnagari Script;

(b) He should produced a certificate from the concerned Institute indicating that he has taken education in Marathi medium at least up to 7th Standard; and

(c) he should produce a certificate from the Head of Department/ office that he can correspond in Marathi.”

By order and in the name of Governor of Maharashtra.

M.V. Kokane,
Joint Secretary,”

13. It is clear from the terms of the notification that the Rule mandating passing of the Marathi Language Examination has certain exemptions. Admittedly, the Petitioner has served 30 long years in the department and has communicated proficiently in Marathi Language. There is no complaint nor any grievance made by any official on record regarding the Petitioner not being well-versed in Marathi Language. There is no allegation against the Petitioner that he failed to perform and discharge his duties for 30 years, due to his alleged lack of proficiency in Marathi Language. In fact, ironically the detailed representation

made by the Petitioner is in the official Marathi Language which demonstrates clearly the Petitioner's proficiency in the said language. The Petitioner squarely falls within the scope and ambit of the exemptions provided in the relevant Rules themselves. Moreover, the Respondents cannot be permitted to scrutinize the Petitioner's terms and conditions of service after he has superannuated.

14. In view of the aforesaid discussions, the levity of the Respondents in refusing to settle the Petitioner's retiral dues is unacceptable and incongruous. Since the Respondents claim to have paid 90% of the total retiral benefits to the Petitioner, pursuant to the orders of this Court dated 19th August 2025, we direct the Respondents to disburse the balance 10% of the pensionary dues to the Petitioner within a period of 15 days from today along with interest at the rate of 10% per annum. In case any other dues remain payable to the Petitioner, the Respondents shall disburse the same also within the stipulated time as prescribed hereinabove along with such interest.

15. The petition is accordingly allowed in the aforesaid terms.

(DR. NEELA GOKHALE, J.)

(G. S. KULKARNI, J.)

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