

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 6293 OF 2014

Ramnath Ganpatrao Khod

.. PETITIONER

VERSUS

Assistant Chief Secretary
Minority Development Department
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. S.M. Ganachari, AGP for the State.
Mr. Mayur Salunke, advocate for respondents 2 to 4.

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CORAM : R.M. BORDE &

P. R. BORA, JJ.

DATE : 9th MARCH, 2016.

PER COURT :

1. Petitioner is objecting to the certificate issued in favour of respondent no. 2 – institution conferring the status of linguistic minority to the institution. Petitioner contends that Marwadi is not a language and as such minority status cannot be conferred on the respondent-institution. It is also contended that the requirement prescribed in the Government Resolution dated 04.07.2008 prescribing procedure for issuance of certificate recognizing the institution as a religious or linguistic minority has not been followed and as such the certificate issued by the State Government is liable to be recalled.

2. So far as observance of procedural formalities contained in paragraphs 2 and 5 of the Government Resolution is concerned, it is averred by respondent no. 1 in affidavit-in-reply presented to the Court that

the aforesaid procedural formalities have been complied with and there is no deficiency. Thus, the objection in respect of observance of procedural formalities which probably may not have any impact on the merits of the contentions need not be taken into account while dealing with the petition in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. The basic question as to whether Marwadi forms part of linguistic minority has been considered by the Commissioner of Linguistic Minority, Government of Maharashtra and has cleared the fact that Marwadi can be treated as a minority language vide its communication dated 15.05.2012. The Commissioner for Linguistic Minority has observed in the aforesaid letter as below :

“It is intimated that, the commissioner for Linguistic Minorities is the Constitutional Authority under Article 350-B of the Constitution of India, who investigates the matters pertaining to the Constitutional Safeguards provided to the linguistic minorities and reports thereupon to the Hon'ble President of India. You would therefore appreciate that the classification of languages and dialects or their speakers is not envisaged in Article 350-B, the term “Linguistic minority” is not defined in the Constitution of India. However, the linguistic minority in our country is a State based concept, which refers to a group or groups of people whose mother languages are different from the principal official language(s) of the State. Therefore, the mother tongue Marwadi can be considered as minority language in the Maharashtra State if it qualifies to be termed as a separate language as decreed by the Hon'ble Supreme Court in DAV College Vs. State of Punjab (1971) : 'A linguistic minority for the purpose of Article 30(1) is one which much at least have a separate spoken language. It is not necessary that the language should also have distinct script for those who speak it so as to be a linguistic minority'. In this case, the Census Commissioner and Registrar General of India, in the Census-2001, has grouped Marwadi under Hindi language vide 'Statement-1; Abstract

of Speakers' Strength of Languages and mother Tongues-2001 and 'C-16 Population by Mother Tongue' at serial No. 34 and at serial No. 30 respectively. You would be well advised to ascertain the linguistic status of Marwadi as a 'Separate Language' or dialect of Hindi from CIIL Mysore."

In view of consideration of objection as regards conferment of linguistic minority status in relation to Marwadi language is concerned, since the issue has been considered by the competent authority, the objection raised by petitioner in that regard need not be considered.

3. Petitioner claims to be a past student of the institution and states that he has locus to challenge conferment of minority status on the institution. We are afraid that except the bare contention that petitioner is a past student of the institution, there is nothing to demonstrate how he is connected with the institution or its management. Petitioner also proceeded to file his objection in the change report proceeding before the Assistant Charity Commissioner in the year 2010. While turning down the objection raised by petitioner to the change report proceeding, it is observed by the Assistant Charity Commissioner that petitioner cannot be considered to be an interested person in the affairs of the institution and as such has no competence to raise any objection. It does appear that petitioner's approach to this Court raising objection does not prima facie appear to be bonafide and, with a view to achieve undisclosed objective, he is indulging in litigation against the institution.

4. We do not propose to entertain the objection raised on behalf of such

class of litigants. We do not find that the objection raised by petitioner in the instant petition to be bonafide however, considering the fact that petitioner is a student pursuing legal studies, we refrain from directing imposition of cost against him. For the reasons recorded above, writ petition stands rejected.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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