

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT**

WRIT PETITION No.37783 OF 2018

ORDER (ORAL): *(Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

Writ petitioner seeks issuance of a Writ in the nature of Mandamus to consider inclusion of Urdu as a language for the translation test for selection to the post of Civil Judge for the State of Telangana and for the State of Andhra Pradesh as per this High Court's Notification No.141/2018-RC dated 15.09.2018.

2. The learned counsel for the petitioner argued that the recruitment rules do not provide for any test by way of translation or do not confine any translation test to be only English and Telugu. He, therefore, says that the **limit** prescribed in the notification confining the translation test to be from English to either Hindi or Telugu language and vice versa is exceptional and cannot be enforced without permitting also those who are well versed in Urdu, to have a translation test from English to Urdu as an alternative. This plea is founded on the premise that statistical data, as stated to have been collected by the petitioner, tends to show that there is fairly good number of Urdu knowing individuals who are in the State of Telangana.

3. At the outset, we may notice that the notification for selection was issued on 15.09.2018. Even going by his case, the petitioner made

a representation only thereafter, on 20.09.2018, stating that Urdu should also be included as a language for the translation test in terms of the prescriptions in the notification.

4. The requirement of the judicial system is to equip and augment that institution with people who are capable of handling the Courts as Judicial Officers. That can be best carried forward by different modalities under the control of High Court concerned. The notification is issued by the competent authority delineating the scheme of examination so that any person intending to participate stands notified and informed of the process of selection and its methodology, including the different tests that will be held. The notification is for selection for appointment to the post of Civil Judge in the State of Telangana and the State of Andhra Pradesh. Any citizen of India who is qualified as per that notification is eligible to apply. The field of choice is not confined to the State of Telangana. Nor is it confined to the State of Andhra Pradesh. The availability, or otherwise, of sizeable number of citizens well versed in a particular language is not what it is decisive.

5. In terms of the different sub-sections of Section 3 of the Official Languages Act, 1963, Hindu and English are languages which are used for different documents and instruments including those which would fall within the definition of “Law” for the purpose of Article 13(3) of the Constitution and for the purpose of related

terms in the General Clauses Act, 1897. Thus, English and Hindi are relevant languages for the purpose of the tests in translation in connection with the selection from among qualified persons to be appointed as civil judges. Telugu language is the official language in the whole of the State of Andhra Pradesh in terms of the Andhra Pradesh Official Languages Act, 1966, which also provides that Urdu shall be the second official language in the Districts of Adilabad, Chittoor, Ananthapur, Cuddapah, Guntur, Hyderabad, Kurnool, Mahaboobnagar, Medak, Nellore, Nizamabad and Ranga Reddy. The knowledge of Urdu language or ability to translate into and from Urdu language is therefore, statutorily, insufficient when Telugu language is treated as official language in the whole of the State of Andhra Pradesh, that is to say the said State as on 14.05.1966, when the Andhra Pradesh Official Languages Act, 1966 was published in the Gazette. Therefore, Urdu language being the second official language, while Telugu is the official language of the State; the need to conduct translation test relating to a particular language cannot be decided on the basis of the plea that there are good number of persons who are well versed in Urdu language. The requirement of the judicial system of the State of Telangana and the State of Andhra Pradesh, for which the Notification has been issued by this High Court, would be satisfied only by the tests in language skills as are delineated in the Notification. Admittedly, Telugu is the first official language of the State of Telangana as well as the State of Andhra Pradesh. The plea of the petitioner that Urdu is the second official language of

Telangana is by itself insufficient to include Urdu also as a language in relation to which translation test ought to be held to satisfy the constitutional norms in the selection process. The plea of the petitioner to the contrary is only to be rejected.

6. For the aforesaid reasons, the challenge to the writ petition fails.

7. In the result, the writ petition is dismissed *in limine*. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

24th October 2018
Prv/Lrkm/pln

Note: LR copy be marked.
(By order)
pln