

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15143 OF 2019

DR. ZAKIR HUSSAIN EDUCATION SOCIETY, THROUGH ITS
TREASURER.
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S.S. Thombre, Advocate for the petitioner.
Smt. M.A. Deshpande, A.G.P. for the respondent / State.

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CORAM : S.V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.

DATE : 19th December 2019.

ORDER :-

. The petitioner seeks directions against the respondents to provide questions papers in Urdu to the students of the petitioner's institution for B.Ed. Course by setting aside the letter dated 20.11.2019.

2. We had issued notice to the respondents. Though notice was served upon respondent Nos.2 and 3, nobody appeared for respondent Nos.2 and 3.

3. We had requested Mr. Latange, the learned Counsel who occasionally appears for respondent Nos.2 and 3 in the matters upon instructions, to assist the Court and take instructions from respondent Nos.2 and 3. Mr. Latange, the

learned Counsel, on instructions submits that as the petitioner is not possessing permission from the State Government to admit the students in Urdu medium, the University has not provided the question papers in Urdu medium.

4. Mr. Thombre, learned Counsel submits that every year the students of the petitioner institution are provided with the question papers in Urdu language. He refers to the letters and circulars of each year to support his submission.

5. In fact, if the medium of instruction is Marathi, the students are required to be imparted education in Marathi language. The education is required to be imparted in the medium of instructions only and the examination is required to be conducted in the medium of instructions only.

6. It is submitted that it is a policy of the respondents and State Government to provide question papers in different languages irrespective of the medium of instructions. We cannot comprehend such policy. It is beyond our perception.

7. According to us, the circular permitting the question papers and writing the answers in the language other than the medium of discipline is irrational and illogical

and the University and State Government has to reconsider the same.

8. In fact, the University and the State Government both are required to ponder over this aspect.

9. In case the question papers were provided to the students of the petitioner institution in Urdu language for all the preceding years, the respondents may consider for the present year as to whether they can provide the same by accepting the charges. However, the same would be as an exception and not as a precedent for further years.

10. The State and the University before start of next academic year, shall take a policy decision in this regard, as to whether the educational institution would be permitted to avail the benefit of question papers in languages different than the medium of instructions.

11. Parties to act on authenticated copy of this order.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

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