

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.179 of 2020

In
Civil Writ Jurisdiction Case No.20595 of 2019

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Sanjay Kumar Pita- Ram Chandra Prasad Pata - C.O. Manoj Kumar
(Shikshak) Shanti Bhawan, Anand Nagar, Gram- Nandanpura, Post- Tehata,
Thana- Makhdumpur, Zila- Jehanabad Rajya- Bihar Pin Code- 804427.

... .. Appellant/s

Versus

1. The State of Bihar Dwara Pichhra Varg and Atipichhra Varg, Kalyan Vibhag, Patna.
2. Grih Sachiv, Bihar Sarkar, Patna.
3. Sachiv, Bihar Karmchari Chayan Aayog, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Indradeo Prasad
For the Respondent/s : Mr.Prabhat Kumar Verma (Aag3)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-09-2023

The present Letters Patent Appeal has been placed before us with a defect noticed by the Registry that English translated copy of the appeal memorandum should be furnished by the appellant. In the writ petition also the very same defect was noticed.

2. The learned Single Judge by order dated 21.10.2019 held that the defect pointed out by the Stamp Reporter, requiring filing of an English version of the writ petition, cannot be faulted in the light of the Full Bench decision



of this Court in **Krishna Yadav v. State of Bihar; (2019) 2 PLJR 809**. The Interlocutory Application No. 01 of 2019, filed for recall of the order was rejected. A further time of one week was allowed to the petitioner to comply with the order dated 21.10.2019. Obviously, no such translated copy was provided and the Letters Patent Appeal was filed in the year 2020, in which the very same defect was noticed, since, the Letters Patent Appeal also was filed in Hindi, without a translated copy.

3. The learned counsel for the appellant insisted on arguing in Hindi and despite one of us being not very conversant in Hindi, the learned counsel was heard. It was asserted that the decision in **Krishna Yadav** (supra) does not provide for an English translation of petition to be furnished.

4. In the cited decision of the Full Bench, the Hon'ble Members of the Full Bench had initially opined differently. The then Hon'ble Chief Justice after looking at the Notification dated 09.05.1972, held that a petition under Article 226/227 of the Constitution of India or a Tax Reference can be filed in Hindi, but it will have to be accompanied by an English version as well, which shall be the authentic version of the petition for all legal purposes, so long as Notification dated 09.05.1972 prevails.



5. One of the other Hon'ble Members of the Full Bench held that the Notification permits the litigant to elect either English or Hindi, when preferring writ petitions in the High Court of Judicature at Patna. The next Hon'ble Member of the Full Bench found that the Notification requires applications under Article 226/227 of the Constitution of India to be filed in the Patna High Court only in the English language.

6. However, after reading the opinion of the then Hon. Chief Justice, both the other members agreed with his interpretation given to the Notification of 1972, which, according to them, serves the twin purposes of *“pandering to the aspirations of preserving and promoting Hindi language and at the same time maintaining the exclusivity of the Court language to English, for the benefit of the accessibility to an ever-burgeoning case materials, case laws and research works in the area of law, which is mostly in English language and which is necessary in the background of the diverse, multicultural and multi-linguistic country that we are in;”* (sic).

7. Hence, the Full Bench categorically declared that though the petition under Article 226/227 can be filed in Hindi, it should be accompanied with a translated copy in English. We cannot agree with the learned counsel for the appellant that the



Full Bench had held otherwise.

8. In the above circumstances, we specifically asked the learned counsel for the appellant, whether he would cure the defect before the learned Single Judge, in which event, we could even direct the writ petition to be restored as per the roster.

9. The learned counsel for the appellant agreed and sought for time to file a translated copy before the learned Single Judge. In such circumstances, if the appellant files a translated copy of the writ petition in English before the Registry within a period of two weeks from today, necessarily the writ petition shall be restored and posted before the learned Single Judge having roster.

10. The Letters Patent Appeal stands rejected, upholding the defect noticed by the Registry, which is in tune with the cited Full Bench decision, especially when the appeal is a continuation of the proceedings initiated under Article 226. However, the above liberty is reserved to the petitioner.

11. In the context of the controversy and noticing the fact that the writ petition has been pending before Court for long, lest the appellant be concerned about the inordinate delay; which occurred only due to the insistence of the Counsel for the



petitioner/appellant to agitate the cause only in Hindi, the petitioner/appellant be issued with a translated copy of the instant judgment in Hindi; which shall also be uploaded in the website of the High Court of Patna with neutral citation.

12. With the above observation/direction, the appeal stands rejected.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.09.2023.
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