

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 360 of 2021 (S.B.)

Dr. Sanjay S/o Gulabrao Gathe,
Aged about 48 years, Occ. Service,
R/o C/o Shree Nursing Home and Balrugnalaya, 144, New Ward 2,
Sane Guruji Nagar, Arvi Naka, Wardha-442 001.

Applicant.

Versus

- 1) State of Maharashtra,
through its Principal Secretary,
Public Health Department,
10th floor GT Hospital Campus Building,
New Mantralaya, Fort, Mumbai-01.
- 2) Joint Director of Health Services (Administration),
Aarogya Bhavan, St. Georges Hospital Campus,
P.D'Mello Road, Mumbai-01.
- 3) Deputy Director of Health Services,
Nagpur Region, Mata Kacheri Compound, Shradhanand Peth,
Nagpur.
- 4) Civil Surgeon, District / General Hospital, Wardha.

Respondents.

Shri N.D. Thombre, Advocate for the applicant.

Shri A.M. Ghogre, P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 22/09/2022.

JUDGMENT

Heard Shri N.D. Thombre, learned counsel for applicant
and Shri A.M. Ghogre, learned P.O. for respondents.

2. The case of the applicant in short is as under –

The applicant was appointed on the post of Medical Officer on 06/02/1997 on temporary basis. His service was regularised w.e.f. 01/07/2002. The applicant was given exemption from passing Hindi language examination, but he was not given exemption from passing Marathi examination. As per order dated 10/11/2020, the respondents have granted exemption to the applicant from passing Marathi examination and that order was effective from 05/01/2020.

3. The applicant's contention is that his mother tongue is Marathi. He is well versed to write Marathi and therefore there was no need to pass Marathi examination. It is also submitted that the applicant had passed Marathi (second language) examination in March, 1988 conducted by the SSC Board and he got 75 marks out of 100. Therefore, the respondents should have granted the exemption to him from passing Marathi examination.

4. The grievances of the employee in respect of passing Marathi examination are redressed by the Government vide its G.R. dated 24/05/2016. As per the G.R., the employees whose mother tongue is marathi, write in Marathi and his education upto 7th Standard was from Marathi Medium and able to write letters / correspondence in Marathi, those employees need not to pass Marathi examination. The material portion of the G.R. is reproduced as under –

(३) जो शासकीय कर्मचारी आपली मातृभाषा मराठी असल्याचा दावा करीत नसेल परंतु त्याने मराठी माध्यमातून शिक्षण घेतले असल्याचे तो सांगत असेल आणि तो मराठी विषय घेऊन माध्यमिक शालांत प्रमाणपत्र परीक्षा किंवा उच्चस्तर परीक्षा उत्तीर्ण झालेला नसेल तर, या नियमांपासून सूट मिळण्यासाठी त्याला पुढील शर्ती पूर्ण कराव्या लागतील:-

(अ) त्याला देवनागरी लिपीत सहजपणे लिहिता आले पाहिजे,

(ब) त्याने किमान ७ व्या इयत्तेपर्यंतचे शिक्षण मराठी माध्यमातून घेतले असल्याचे दर्शविणारे संबंधित संस्थेचे प्रमाणपत्र सादर केले पाहिजे, आणि

(क) तो मराठी भाषेत पत्रव्यवहार करू शकतो अशा आशयाचे विभागप्रमुखाचे/कार्यालय प्रमुखाचे त्याने प्रमाणपत्र सादर केले पाहिजे.

5. The O.A. is opposed by the respondents. From the perusal of the G.R. dated 24/05/2016, the respondents ought to have granted the benefit to the applicant. The G.R. dated 24/05/2016 appears to be not complied. The impugned order dated 10/11/2020 by which the exemption is granted to the applicant from 05/01/2020, whereas, the G.R. shows that the employees whose mother tongue is Marathi, who is well versed to make correspondence in Marathi, whose education upto 7th Standard was in Marathi language, then those employees are exempted from passing Marathi examination.

6. In view of the G.R. dated 24/05/2016, the applicant is entitled for the relief prayed in this O.A. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The impugned order dated 10/11/2020 issued by respondent no.2 is hereby quashed and set aside to the extent of granting exemption from passing Marathi language examination w.e.f. 05/01/2020.

(iii) The respondent no.2 is directed to grant exemption to the applicant as per the G.R. dated 24/05/2016.

(iv) No order as to costs.

Dated :- 22/09/2022.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman

Judgment signed on : 22/09/2022

Uploaded on : 22/09/2022.

ok*