

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 92 of 2022**

=====

ROHIT JAYANTILAL PATEL

Versus

STATE OF GUJARAT

=====

Appearance:

MR ASIM PANDYA SR. COUNSEL WITH MR GAURAV VYAS(9855) for the
Applicant(s) No. 1KUMAR H TRIVEDI(9364) for the Applicant(s) No. 1
for the Opponent(s) No. 2,3

MR KRUTIK PARIKH AGP for the Opponent(s) No. 1

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL**

and

HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**Date : 22/08/2023****ORAL ORDER****(PER : HON'BLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

This is wholly a misconceived petition filed in the name of Public Interest Litigation seeking to assail the decision of the Apex Court communicated by the Hon'ble the Chief Justice of India on the administrative side, in the matter where advise was sought by the Cabinet Committee, in the matter of inclusion of Gujarati as an additional language of the High Court. The record indicates that by D.O. Letter dated 16.10.2012, the Hon'ble the Chief Justice of India has intimated that the Full Court of the Apex Court in the meeting held on 11.10.2012 after due

deliberations, decided to disapprove the proposal. The Government has abided by the decision of the Apex Court.

2. Assailing the decision of the Cabinet Committee to seek consent of the Apex Court, it is sought to be submitted by the learned counsel for the petitioner that the decision of Hon'ble the Chief Justice of India intimated by the D.O. Letter dated 16.10.2012, cannot be taken as a decision of the Apex Court. This Court is competent to adjudicate the matter of challenge made to the decision of the Cabinet Committee seeking advise of Hon'ble the Chief Justice.

3. In the instant writ petition, the Hon'ble Supreme Court of India has been impleaded as the respondent No.3 on administrative side, through the Registrar, Supreme Court of India, to assert that the decision of the Hon'ble the Chief Justice of India intimated vide D.O. letter dated 16.10.2012 is liable to be ignored, inasmuch as, the Cabinet Committee had no authority of law to seek advise of the Hon'ble the Chief Justice of India. Reference has been made to the provisions of Article 348(2) of the Constitution of India to assert that the decision to include a regional language for official purposes in the High Court in a State can be taken by the Governor of the State with

the previous consent of the President.

4. Considering the above submissions of the learned counsel for the petitioner, we find that the issue, if any, can be raised by the writ petitioner would not fall within the jurisdiction of this Court once the advise of the Hon'ble the Chief Justice of India was sought and a decision was taken by the Full Court of the Apex Court intimated through the letter dated 16.10.2012. Only remedy before the petitioner is to approach the Hon'ble Supreme Court.

The writ petition is dismissed, being misconceived.

(SUNITA AGARWAL, CJ)

(ANIRUDDHA P. MAYEE, J.)

KAUSHIK D. CHAUHAN