

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

COMMON ORDER IN O.A. NOS. 507 AND 524 BOTH OF 2023

(1) ORIGINAL APPLICATION NO.507 OF 2023

(Subject:- Selection Process)

DISTRICT:-AURANGABAD

Mamta Bapurao Ghayal,)
Age 34 years, Occ. Practicing Advocate,)
R/o At post Koshtgaon, Dake Niwas,)
Tq. Renapur, Dist. Latur.)
Mob. No. 8668397591.) **...APPLICANT**

V E R S U S

Maharashtra Public Service Commission,)
Through its Secretary,)
Trishil Gold Field, Plot No.34,)
Opp. Sarovar Vihar,)
Sector 11, CBD, Belapur,)
New Mumbai-400614.) **...RESPONDENT**

WITH

(2) ORIGINAL APPLICATION NO.524 OF 2023

(Subject:- Selection Process)

DISTRICT:-AURANGABAD

Suwarnamala Shivajirao Bikkad,)
Age- 35 years, Occ. Advocate,)
R/o : at post Washi, Tq. Washi,)
Dist: Osmanabad, at present)
C/o: Kadare, Plot No. 22, Survey No. 68,)
Jay Bhawani Nagar, Cidco, N-2,)
Aurangabad.)
Mob. No. 8010284969.) **...APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Home Department,)
Through its Principal Secretary,)
Mantralaya, Mumbai-32.)
2. **The Secretary,**)
Maharashtra Public Service Commission,)
Trishul Gold Field, Plot No.34,
infront of Sarovar Vihar, Sector 11,)
CBD, Belapur, New Mumbai-400614.)...**RESPONDENTS**

APPEARANCE :- Shri Sachin S. Deshmukh, learned
counsel for the applicant in O.A. No.
507/2023.

Shri S.B. Kakade, learned counsel for
the applicant in O.A. No. 524/2023

: Shri M.S. Mahajan, learned Chief
Presenting Officer for the respondent
authorities in O.A. No. 507/2023.

: Shri V.R. Bhumkar, learned Presenting
Officer for the respondent authorities in
O.A. No. 524/2023.

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 7th July, 2023

O R A L - O R D E R

1. Heard Shri Sachin S. Deshmukh, learned counsel for the
applicant in O.A. No. 507/2023, Shri S.B. Kakade, learned

counsel for the applicant in O.A. No. 524/2023, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in O.A. No. 507/2023 and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in O.A. No. 524/2023.

2. In view of the fact that in both the matters the facts and prayers made are identical, I have heard both these matters together and deem it appropriate to pass this common order.

3. In both these matters the notices have been issued and the matters were at the stage of filing affidavit in reply by the respondents. In both these matters the learned Presenting Officers have sought time for filing the affidavit in reply. The learned counsel for the applicants have in the circumstances, prayed for considering the request for interim relief. It is contended that the interviews are being held by the Maharashtra Public Service Commission (in short, 'MPSC') and the applicants have made out a prima-facie case for grant of an interim relief thereby directing M.P.S.C. to allow the applicants to appear for the interview subject to outcome of these applications. I have, therefore, heard the arguments advanced by the learned counsel for the applicants and the learned Chief

Presenting Officer & Presenting Officer for the respondent authorities on the point of interim relief.

4. The relevant facts of the matters are thus :-

The M.P.S.C. had issued an advertisement for appointments of Assistant Public Prosecutors (for short A.P.P.s) and both the applicants have applied for the said post. For appointment on the post of A.P.P. the educational qualification prescribed is “a degree in Law” and so far as experience is concerned, the candidates are required to possess experience of working as an Advocate in the High Court or in the Courts subordinate thereto, for the period of not less than 5 years. It is the contention of the applicants that they possess the prescribed qualification and the required experience. It is their further contention that since they fulfill the required norms, their names figured in the list of the eligible candidates published by the M.P.S.C. and they were duly called for interview also. It is the grievance of the applicants that the M.P.S.C. authorities did not allow the applicants to appear for interview on the ground that they did not possess the prescribed experience of practicing as an Advocate for 5 years.

5. Shri Sachin Deshmukh, learned counsel appearing for the applicant in O.A. No. 507/2023 submitted that the applicant Smt. Mamata Bapurao Ghayal got enrolled with the Bar Council of Maharashtra and Goa on 26.6.2013 and thereafter started practicing initially at Jalna and thereafter at Aurangabad. The learned counsel submitted that the applicant had uploaded the certificate of experience and knowledge of Marathi issued by the learned District Judge-5 & Additional Sessions Judge, Aurangabad in her favour on 28.1.2022. The learned counsel submitted that in the said certificate it is stated that the applicant has been enrolled as Member of District Bar Association, Aurangabad on 24.11.2021. The learned counsel submitted that in the said certificate the learned District Judge has also certified that the Bar Council of Maharashtra & Goa had issued the "Sanad" and accordingly has enrolled the applicant as an Advocate on 26.6.2013. Learned counsel further submitted that from the contents of experience certificate respondent has drawn an inference that the applicant has an experience of practicing as an Advocate from 24.11.2021 which is less than five years and consequently held the applicant ineligible for the post of APP and did not allow her to appear for the interview.

6. Learned counsel further submitted that the respondent must have given an opportunity to the applicant to rectify the discrepancy as it was provided to many other candidates. The learned counsel brought to my notice the list of eligible candidates and more particularly to Sr. Nos. 846, 914, 1014 etc. thereof. The learned counsel pointed out that the said candidates were permitted to submit the experience certificate latter on. According to the learned counsel, same opportunity was required to be given to the applicant and by denying the same, the respondent has adopted the discriminatory practice. The learned counsel further submitted that the respondent, thus, departed with the principle of functional equality.

7. The learned counsel further submitted that after having scrutinized the application, no shortcoming was ever indicated leading to the inclusion of name of the applicant for the purpose of interview. The learned counsel submitted that some of the candidates like mentioned hereinabove, whose names were included with shortcomings in their applications, the necessary opportunity was extended to them to rectify the shortcomings in relation to the certificate of experience and were eventually interviewed. The learned counsel submitted that denial of such

an opportunity to the applicant by the respondents is unfair and unjust.

8. The learned counsel further submitted that in the certificate, which was uploaded by the applicant, it was specifically stated that the applicant was enrolled as an Advocate with Bar Council of Maharashtra and Goa on 26.06.2013. The learned counsel submitted that clause 8.3 of the advertisement specifically provides that the period after registration of the applicant with the Bar Council of Maharashtra and Goa will be considered for the purposes of experience. It was further contended that the applicant has admittedly enrolled his name with the Bar Council in the year 2013 itself and was thus undisputedly having experience of more than 5 years. The learned counsel submitted that before practicing at Aurangabad, the applicant had practiced in the Courts at Jalna and was thus possessing the experience of more than 5 years practice as prescribed vide clause 8.2 of the advertisement. The learned counsel submitted that had the respondent given an opportunity to the applicant as it was given to the candidates at Sr. Nos. 846 and 914 etc. as mentioned above, the applicant would have certainly submitted all necessary certificates proving that she was having experience of

practicing in district Courts at Jalna and Aurangabad for the period of more than 5 years. The learned counsel submitted that in premise of the facts and circumstances brought on record by the applicant this Tribunal shall direct the respondent to interview her and consider her for the appointment if she proves her merits.

9. The learned counsel submitted that as per the program declared by the MPSC till 06.07.2023 the dates of interviews are given. The learned counsel further submitted that if directed by this Tribunal within next 2-3 days as per the convenience of MPSC the applicant can be interviewed and if she is found to have fulfilled all the criteria and also proves her merits in the interview, she will not be deprived of her legitimate right.

10. Shri S.B. Kakade, learned counsel for the applicant in O.A. No. 524/2023 adopted the arguments of learned counsel Shri Sachin Deshmukh. In addition to the submissions made by Shri Sachin Deshmukh, the learned counsel for the applicant pointed out that on 28.06.2023 the applicant in O.A. No 524/2023 had made a written request to the respondent MPSC to grant her time to submit the experience certificate of the period prescribed in the advertisement and to allow her to appear for the interview. The learned counsel pointed out that

in the certificate of experience submitted by the applicant it was mentioned that the applicant was enrolled as an Advocate with the Bar Council of Maharashtra and Goa on 19.07.2010 and was thus certainly having an experience of practicing as an Advocate for more than 5 years. Learned counsel Shri Kakade made same prayer as has been made by learned counsel Shri Sachin Deshmukh.

11. Shri M.S. Mahajan, learned Chief Presenting Officer tendered across the bar the following documents :-

- (i) Certificate of experience issued in favour of the applicant in O.A. No. 507/2023 by the learned District Judge-5 & Additional Sessions Judge, Aurangabad on 28.01.2022.
- (ii) Copy of the application submitted by the applicant Smt. Mamta Ghayal with the MPSC.
- (iii) The notings in the file of MPSC concerning to the experience certificate submitted by said Mamta Ghayal.
- (iv) Copy of the Notification dated 09.05.2023 issued by the MPSC.

12. The learned C.P.O. submitted that the certificate of experience submitted by both the applicants undoubtedly reveal that none of them possess the experience of working as an

Advocate in the High Court or in the Courts subordinate thereto for the period not less than 5 years. The learned C.P.O. submitted that the experience as prescribed vide clause 8.2 of the advertisement was the mandatory requirement for considering the candidate for his / her appointment on the post of APP. The learned C.P.O. submitted that the documents uploaded by both the applicants in relation to the experience unambiguously show that the experience of both the applicants of working as an Advocate was less than the period of 5 years. In the circumstances, according to the learned C.P.O., the MPSC has not committed any error in not permitting the applicants to appear for the interview.

13. The learned C.P.O. further submitted that an opportunity was given to some of the candidates to place on record the certificate of experience since in the scrutiny of documents it was revealed that such certificate was not uploaded by the said candidates. Learned C.P.O. further submitted that since in the scrutiny of documents the present applicants found to have uploaded all the required documents, it was unwarranted in their cases to note a remark as it was done in the case of candidates at Sr. No. 846, 914 etc. Learned C.P.O. further submitted that MPSC vide its Notification dated 09.05.2023 has

clarified and cautioned all the candidates to produce the requisite experience certificate duly certified by the competent authority on the day of interview. The learned C.P.O. submitted that on the day of interview none of the applicants did produce such certificate in order to substantiate that they were having experience of more than 5 years of practicing in the High Court or in the Courts subordinate thereto. For above reasons, the learned C.P.O. prayed for rejecting the request of the applicants for grant of any interim relief as has been prayed by them.

14. I have duly considered the submissions made on behalf of the applicants, as well as, respondents in both the aforesaid matters. Presently, it is the prayer by the applicants that the MPSC be directed to allow these applicants to appear for interview subject to outcome of the present applications. The applicant in O.A. No. 524/2023 has alternatively prayed for directing the MPSC to keep one post vacant reserved for VJNT-D candidate till decision in the present OAs. As elaborately narrated hereinabove the thrust of the applicants is on the fact that when MPSC has permitted the candidates at Sr. No. 846 etc. to submit the experience certificate, similar opportunity must have been given to the present applicants and by not

doing so MPSC has adopted discriminatory practices and has departed from the principle of functional equality.

15. It is their further contention that in the experience certificate placed on record, the date on which the applicants were enrolled as an Advocate with the Bar Council of Maharashtra and Goa is mentioned and considering the said date the applicants must have been held to have adequate experience as prescribed in clause 8.2.(एक) of the advertisement and MPSC must have allowed the applicants for appearing in the interview. In support of aforesaid contention the applicants have relied upon clause 8.3.3, which says that the period subsequent to enrolment with Bar Council will be held valid for the purposes of experience. As such, it has been argued that having regard to the fact that one applicant is enrolled in 2013, while other in the year 2010 as an Advocate with Bar Council of Maharashtra and Goa, both the applicants must be held to have experience of more than 5 years.



16. Two fold submissions are made on behalf of the applicants; one that document which has been uploaded/ submitted by the applicants with their respective applications is sufficient to hold that both the applicants do

possess the experience as prescribed in clause 8.2(एक) of the advertisement and the another submission is that if in opinion of MPSC the document uploaded/submitted on behalf of the applicants was not adequately showing the experience of the applicants as prescribed vide clause 8.2 (एक) of the advertisement the applicants must have been given opportunity to produce on record the requisite certificate of experience as was done in the cases of the candidates at Sr. No. 846 etc.

17. I am however, not convinced with the submissions so made. It is not in dispute that in the advertisement issued on 7.1.2022 pursuant to which the applicants had applied for the post of Assistant Public Prosecutor vide clause 8 (एक) thereof the educational qualification was prescribed as degree in Law; whereas vide clause 8.2 (एक) the candidates were required to possess experience of working as an Advocate in the High Court or in the Courts subordinate thereto for a period of not less than 5 years. In clause 11.2.1 of the advertisement the list of the documents to be uploaded by the candidates is provided and the candidates are required to upload all necessary/essential documents applicable in their cases along

with application itself. The documents at Sr. Nos. 1, 2, 3, 13, 14, 15 and 18 are the documents which every candidate is invariably expected to upload. Out of the said documents, document at Sr. No. 15 pertains to experience, whereas the document at Sr. No. 3 is in relation to the educational qualification of the candidate. The Notification dated 9th May, 2023 issued by the MPSC, a copy of which is placed on record today by the learned CPO reveals that in scrutiny conducted by the MPSC of the applications and the certificates of the candidates who passed screening test, it was revealed that many of the candidates have uploaded/submitted the certificates of experience issued by the Bar Association, whereas such certificates were expected to be from the competent designated officer of the Court. In that circumstance, it was clarified that the candidates who may be called for the interview, shall, on the day of interview, bring and produce the certificate of experience in the prescribed format issued by the competent designated officer of the Court.

18. I deem it appropriate to reproduce the text of the said notification dated 9.5.2023 as it is in vernacular, which reads thus,

महाराष्ट्र शासन
महाराष्ट्र लोकसेवा आयोग

विभुल गोल्ल फल्ल, फॉल नंवर ३४, सरोवर वल्लर सनोर, सेकटर ११, सीवीडी वेलापूर, नवी मुंबई-४००६१४ | ०२२-२९३८५९००
Email ID : contact-secretary@mpsc.gov.in Website : https://mpsc.gov.in , https://mpsonline.gov.in
@mpsc_office @official_mpsc

क्रमांक:- एचएमआर-१६२१/सी.आर.४८/२०२१/छाननी दिनांक- ०९ मे, २०२३

-:प्रसिध्दीपत्रक:-

विषय- सहायक सरकारी अभियोक्ता, गट-अ, (जाहिरात क्रमांक ००१/२०२२)
अनुभव प्रमाणपत्र सादर करण्याबाबत

महाराष्ट्र शासनाच्या गृह विभागांतर्गत सहायक सरकारी अभियोक्ता गट-अ या संवर्गातील ५४७ पदांकरिता दिनांक ०७ जानेवारी, २०२२ रोजी आयोगाकडून जाहिरात प्रसिध्द करण्यात आली आहे. सादर जाहिरातीच्या अनुषंगाने घेण्यात आलेल्या चाळणी परीक्षेमधून अर्हता प्राप्त ठरलेल्या उमेदवारांच्या अर्जांची व प्रमाणपत्रांची छाननी करण्यात येत आहे.

२. सहायक सरकारी अभियोक्ता गट-अ पदाच्या जाहिरातीमध्ये परि. क्र.८.२(एक) मध्ये अनुभवाची तरतूद खालीलप्रमाणे आहे. :-
"Possess experience of working as an advocate in the High Court or in a Court Subordinate thereto, for a period of not less than five years"

उपरोक्त अनुभवाची तरतूद विचारात घेता उमेदवारांनी मा. न्यायालयातील सक्षम प्राधिका-यांनी दिलेले प्रमाणपत्र सादर करणे आवश्यक आहे, परंतु बऱ्याच उमेदवारांनी बार असोसिएशनने दिलेल्या प्रमाणपत्रांच्या प्रती अनुभव प्रमाणपत्र म्हणून सादर केल्या असल्याचे निदर्शनास आले आहे.

३. प्रस्तुत पदासाठी छाननीअंती जे उमेदवार मुलाखतीसाठी पात्र ठरतील, अशा उमेदवारांनी मा. उच्च न्यायालयामध्ये किंवा दुय्यम न्यायालयाचे वकील म्हणून प्रत्यक्ष काम केल्याबाबतचे अनुभव प्रमाणपत्र संबंधित न्यायालयाच्या सक्षम प्राधिका-यांकडून प्रमाणित करून विहित नमुन्यात मुलाखतीच्या दिवशी सादर करणे आवश्यक राहिल.

४. प्रस्तुत पदाचा मुलाखत कार्यक्रम स्वतंत्ररित्या लवकरच आयोगाच्या संकेतस्थळावर प्रसिध्द करण्यात येईल.

ठिकाण :- नवी मुंबई

उप सचिव (सरळसेवा छाननी)
महाराष्ट्र लोकसेवा आयोग

In so far as the present applicants are concerned, both had uploaded/submitted the certificate of experience in the prescribed format issued by the competent authority i.e. the learned District Judge and Additional Sessions Judge. Since the experience certificate so submitted by both the applicants was as required in the advertisement and since both the applicants had submitted all relevant documents as prescribed in clause 11.2 of the advertisement in support of their claims,

the names of both the applicants were included in the list of eligible candidates. It is however, the contention raised on behalf of the applicants that some of the candidates like the candidates at Sr. No. 846 etc. were given an opportunity to present and submit the certificate of experience of the prescribed period at the time of interview. I deem it appropriate to reproduce the remark below the names of such candidate which read thus: -

Int. No.	Registration No.	Name	Interview Date	Interview Time
846	14500120220402220007274	PATIL DIPALI BHIMGONDA जहिरातीलील परि.क्र. 8.2 (एक) अन्वये विहित कालावधीचे अनुभव प्रमाणपत्र सादर करणे आवश्यक	13/06/2023	09:00 AM

19. Clause 8.2(एक) of the advertisement reads thus :-

“८.२ (एक) अनुभव . Possess experience of working as an advocate in the High Court or in a Court Subordinate thereto, for a period of not less than five years.”

20. It is the case of the applicants that the remarks noted below the name of candidate at sr. no. 846 leads to an inference that the certificate submitted/uploaded by the said candidate was not of the period prescribed under clause 8.2(एक) and the said candidate was given an opportunity to place on record such certificate. It is, therefore, further contention of these

applicants that when the certificates of experience submitted/uploaded by these applicants were also not of the period prescribed under clause 8.2(एक) of the advertisement, the applicants also must have been given the same opportunity.

21. The aforesaid contention is strongly disputed by the learned CPO. The learned CPO submitted that from the list of eligible candidates published by the MPSC, it is quite evident that the candidate at sr. no. 846 has not submitted/uploaded the certificate of experience and, as such, he was required to submit such certificate, whereas the applicants had already submitted that certificate, there was no reason for such remarks below their names as was made below the name of candidate at sr. no. 846. The submission made by the learned CPO is also difficult to be accepted for the reason that without uploading the said document the application of the candidate could not have been accepted on-line in view of clause 11.2(4) of the said advertisement.

22. The learned CPO has placed on record the notification issued by the MPSC on 9.5.2023, which I have reproduced hereinabove. It appears to me that the remark as is entered below the name of candidate at sr. no. 846 and similarly situated others has to be understood and interpreted in light of

notification dated 9.5.2023. There is reason to believe that the candidates, who had not submitted the experience certificate issued by the designated competent authority of the Court, but had submitted such certificate issued by the Bar Association, were given an opportunity to submit such certificates from the designated competent officers of the Court. In the circumstances, no remark as was appearing below the name of the candidate at sr. no. 846 was liable to appear below the names of the present applicants since the certificates, which they had up loaded /submitted were issued by the officer of the Court and not by the Bar Association.

23. It further appears to me that the applicants were fully aware of the fact that for appointment on the post of APP, it was must for them to possess the experience of working as an Advocate in the High Court or in the Courts subordinate thereto for the period not less than 5 years. It is undisputed that in the certificates of experience submitted/uploaded by both the applicants the experience of practice as certified therein was of the period less than 5 years. The applicants now cannot take a plea that they were not aware of the criteria of experience as prescribed under clause 8.2(एक) of the advertisement. They also cannot take a plea that in the document submitted/uploaded by

them in support of their claim of experience, the experience possessed by them was certified to be of the period more than 5 years. Referring to clause 8.3.3 of the advertisement the learned counsel sought to contend that in the experience certificate of both the applicants the respective dates of their enrolment with the Bar Council of Maharashtra & Goa are disclosed. Applicant in O.A. no. 507/2023 is enrolled in the year 2013, whereas the applicant in O.A. No. 524/2023 is enrolled in the year 2010. According to the learned counsel for the applicants, the experience of the applicants has to be held from the said date, and if so considered applicants cannot be held not eligible on the ground of not having less than 5 years' experience of practice. The argument so advanced is wholly unacceptable. Clause 8.3.3 of the advertisement cannot be interpreted to mean that the experience of person enrolled with Bar Council shall be invariably counted from the date of his such registration. It means that if somebody claims to have been practicing from the date prior to his enrolment with Bar Council, his experience, however, to be counted from the date of his enrolment and not from any prior date. Mere registration with Bar Council is not enough. A person must be certified to have been actually practiced either before the High Court or the courts subordinate thereto for not less than 5 years. In the

present matters the experience certificates produced on record/uploaded by the applicants do not reveal that they possess experience of working as an Advocate for a period not less than 5 years.

24. It is the case of the applicant in O.A. No. 507/2023 that in the certificate uploaded along with application, the experience of practice certified therein was pertaining to the practice done by her in the Courts at Aurangabad, but she had also worked at Jalna Court for 4 years and considering the said experience she qualifies the criteria of having experience of working as an Advocate for the period of more than 5 years. The question arises how the said fact could be known to the MPSC unless the applicant brings it on record. In the applications form submitted online by the applicant, under the clause 'Experience Information' applicant had not provided any information that prior to Aurangabad she had practiced also at Jalna Courts. In the experience certificate submitted by the applicant in O.A. No. 524/2023 the period of practice is not stated. What is stated is the fact that the applicant has been enrolled at District Bar Association, Aurangabad on 24.1.2022 and further that she appears before the District Court and subordinate Courts at Aurangabad in civil and criminal matters. No doubt, that the

date of enrolment of the applicant with Bar Council has also been mentioned in the said certificate, but it is nowhere certified that the applicant possesses the experience of working as an Advocate since the said date.

25. There is no dispute that the names of both the applicants appeared in the list of eligible candidates and both were invited for interview. In the letter of interview vide clause 4 thereof the applicants were required to produce originals of the documents uploaded by them along with their application. It was further clarified in the said clause that in the scrutiny if it is noticed that the candidate concerned is not holding the eligibility as mentioned in the advertisement his candidature will be cancelled and will not be permitted to appear in the interview. As per the said clause the applicants were expected to produce originals of their experience certificates uploaded by them along with their applications. As discussed hereinbefore the certificates of experience uploaded by both the applicants were not certifying that the applicants possess experience of practice in the High Court or courts subordinate thereto for not less 5 years. As such, even if the applicants had produced originals of those certificates on the date of interview, they were not liable to be held eligible for want of required experience of practice.

26. The question arises whether the applicants could have on the day of interview produce some additional documents in order to prove that they possess experience of practice for not less than 5 years. It has been vehemently argued by the learned counsel appearing for the applicants that when such opportunity was given by the MPSC to the candidates like the candidate at Sr. No. 846, the applicants must have been given the same treatment and by not doing so the MPSC has to be held guilty for adopting discriminatory practices.

27. The argument so advanced as above is difficult to be accepted. As discussed hereinbefore it was noticed by the MPSC that some of the candidates have uploaded the experience certificates issued by the Bar Association, whereas they were expected to furnish the certificates issued by the designated competent officers of the Courts. In the circumstances, such candidates were given an opportunity to bring along with them the certificates issued by the competent authority on the date of interview. This was clarified by the MPSC by issuing notification dated 9.5.2023. Thus, the opportunity was given to substitute the certificates issued by the Bar Association with the certificates issued by the designated competent officer of the Courts. From the contents

of the notification dated 9.5.2023 it does not appear that and no inference can be drawn that the candidates concerned were allowed to produce on record the experience certificates certifying the period of practice different than the certified in the certificates uploaded by them with their applications. The cases of the applicants, therefore, cannot be equated with the said candidates.

28. For the reasons as aforesaid it does not appear to me that any error can be found on part of the MPSC. The applicants have not made out any case for issuing directions to the MPSC, thereby permitting the applicants to appear for interview, subject to outcome of the present O.As. in the result, the following order is passed :-

ORDER

- (i) The request of the applicants in both these OAs seeking directions against the MPSC to hold the interview of the applicants for the post of Assistant Public Prosecutor, Group-A during pendency of the present Original Applications stands rejected.
- (ii) The request of the applicant, Smt. Suwarnamala Shivajirao Bikkad in O.A. No. 524/2023 to restrain the

respondents from filling in one post of APP from the category of VJNT-D or in other words to keep one post vacant reserved for the candidate belonging to VJNT-D category also stands rejected.

- (iii) The respondents shall file their affidavits in reply in both these matters by the next date.
- (iv) S.O. to 3.8.2023.

VICE CHAIRMAN

Place : Aurangabad

Date : 7th July, 2023