

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 708 OF 2021**

**DISTRICT : NASIK**

Shri Yogesh P. Wagh )  
Ex-Servicemen, residing at village )  
Varche Tembhe, Tal-Baglan, )  
Dist-Nasik. )...**Applicant**

**Versus**

The Secretary, )  
Maharashtra Public Service Commission, )  
Having office at 5 ½, 7<sup>th</sup> & 8<sup>th</sup> floor, )  
Cooperage, Telephone Corporation Bldg, )  
M.K Road, Cooperage, Mumbai 400 021. )...**Respondents**

Shri S.P Dighe, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

**CORAM** : **Justice Mridula R. Bhatkar (Chairperson)**  
**Mrs Medha Gadgil (Member) (A)**

**DATE** : **17.09.2021**

**PER** : **Mrs Medha Gadgil (Member) (A)**

**J U D G M E N T**

1. Heard Shri S.P Dighe, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents

2. The applicant seeks directions to the Respondent, M.P.S.C to include his name in the result dated 24.8.2021 for the

Preliminary Examination conducted pursuant to advertisement dated 17.1.2020 for the post of Assistant Motor Vehicles Inspector, Group-C in the quota reserved for Ex-Servicemen.

3. The applicant is a retired/Ex-Servicemen and retired as Havaldar, Army Air Defence Branch on 30.9.2020. He challenges his non-inclusion in the result dated 24.8.2021 so that he can appear for the Main Examination which is going to be held on 30.10.2021. Learned counsel for the applicant submits that the applicant has secured 9.50 marks while the cut off marks is 0.50 marks, which is above the cut off marks.

4. Learned C.P.O on instructions from Shri Vilas Vaidya, Under Secretary and Smt Smita Vishwanath Kudtarkar, Desk Officer, M.P.S.C, who are present, admits that the applicant has secured the necessary marks to qualify for the Main Examination. However, his name was deleted from the result of the Preliminary Examination as he had not submitted his Domicile Certificate showing that he is resident of Maharashtra.

5. We perused the advertisement dated 17.1.2020, wherein we have not come across any clause which specifically ask for production of Domicile Certificate, except for women candidate, wherever the candidate claims reservation. Now, learned counsel for the applicant has produced copy of Domicile Certificate dated 23.10.2020.

6. Considering all these aspects, we feel that in the category of Ex-Servicemen, the requirement of Domicile Certificate has not been clearly mentioned in the advertisement dated 17.1.2020 as well as in the general instructions given to the candidates. We find

that there is no specific mention regarding production of Domicile Certificate in the case of Ex-Servicemen.

7. In view of the above, Original Application is disposed of with following directions:-

- (a) M.P.S.C is directed to include the name of the applicant in the list of candidates who have cleared the Preliminary Examination.
- (b) M.P.S.C is directed to provide the link to the applicant immediately so that he can fill up the form for the Main Examination.
- (c) M.P.S.C is also directed to allow the applicant to appear for the Main Examination.
- (d) We further direct M.P.S.C to mention the requirement regarding production of Domicile Certificate very clearly in all future examinations where candidates claim reservation.

**Sd/-**  
**(Medha Gadgil)**  
**Member (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 17.09.2021**  
**Dictation taken by : A.K. Nair.**