

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 1083 OF 2017**

**DISTRICT : MUMBAI**

1. Mr Vinod Suryakant Wayagankar, )  
R/at : 201/A, Vasantdeep CHS Ltd, )  
Kharegaon, Pakhadi, Kalwa [W], )  
Dist-Thane 400 605. )
2. Mr. Santosh Nana Wakchure, )  
R/at: G1/706, Neelkanthadhara, )  
Apartment, Subhashnagar, Lal Chowky,) )  
Kalyan [W], Dist-Thane. )
3. Mr Mukesh Vitthalrao Dhoble, )  
R/at: Plot no. 9, Pavansut Nagar, )  
Ramana-Maruti, Nagpur-9. )...**Applicants**

**Versus**

1. The Maharashtra Public Service )  
Commission, through its Secretary, )  
Having office at 5, 7 & 8<sup>th</sup> floor, )  
Cooperage Telephone Nigam Bldg, )  
M.K Road, Cooperage, Mumbai. )
2. The Director General & Inspector )  
General of Police, M.S, Mumbai. )  
Having office at Old Council Hall, )  
S.B Marg, Mumbai 400 039. )
3. The State of Maharashtra )  
Through the Principal Secretary, )  
Home Department, Mantralaya, )  
Mumbai. )
4. The State of Maharashtra, )

- Through Principal Secretary, )  
 G.A.D, Mantralaya, Mumbai. )  
 Mumbai 400 032. )
5. Mr Amit Pravin Mali, )  
 R/a : Talode, Khandeshi Galli, )  
 Near VAd Chawk, Talode, )  
 Nandurbar 425 413. )
6. Mr Janardhan Ramkishan Kale, )  
 R/at: Kekat Sarni, Post Kalma Amba, )  
 Tal-Kaij, Dist-Beed 431 123. )
7. Mr Rajabhau Tryambakrao Ghogre, )  
 R/at: At Post Suppa Jahagir, )  
 Supa, Gangakhed, )  
 Dist-Parbhani 441514 )
8. Mr Sandip Bhausahab Jadhav, )  
 R/at : Ambale, Kajala, Tal-Shirur, )  
 Dist-Pune 412 211. )
9. Mr Ravsaheb Ashok Kakad, )  
 R/at Gargundi Post Mehuna raja, )  
 Chikhli Deulgaon Raja Road 7, )  
 Hanuman Temple, Tal-Deulgaonraja, )  
 Dist-Buldhana 443 204. )
10. Mr Vinod Dadasaheb Dhore, )  
 R/at: Velhale, Po Rajapur, )  
 Nasik Pune Highway, Shubhangi House,)  
 Haribaba Nagar, Haribaba Temple, )  
 Sangamner, Dist-Ahmednagar 422 605.)
11. Mr Pankat Shantaram More, )  
 R/at: At Post Amthana, )  
 11, Tal-Sillod, Dist-Aurangabad 431112)
12. Mr Pravin Rambhau Sarkar, )  
 R/at: 450, Katol Road, )  
 10, Nagpur CID office, Tal-Nagpur, )  
 Dist-Nagpur 440 013. )
13. Mr Tanaji P. Wagh, )  
 R/at : AT Akole Post Nirgude, )

- Tal-Indapur, Dist-Pune 413 130. )
14. Mr Rohan Laxman Shelar, )  
R/at: Flat no. 301, A-Wing, )  
Kajuwadi, Sai Om D CHS, )  
Louiswadi, Near Sai Baba Mandir, )  
Tal-Thane, Dist-Thane 400 604. )
15. Mr Bapusaheb B. Khandare, )  
R/at: At Post Khamgaon, Vitthal Mandir )  
Road, Khandare Nivdas, Khandare Galli )  
Tal-Barshi, Dist-Solapur 413 401. )...**Respondents**

Shri A.A Desai with Shri S. Patil, learned advocate for the applicants in O.A 1083/2017.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents no 2 to 3.

Shri S.S Dere, learned advocate for Respondent no. 4 in O.A 1083/2017.

Shri N.P Dalvi, learned advocate for Respondent no. 1 in O.A 1083/2017.

**CORAM** : **Shri Justice A.H Joshi (Chairman)**  
**Shri P.N Dixit (Member) (A)**

**RESERVED ON** : **15.03.2019**

**PRONOUNCED ON** : **27.03.2019**

**PER** : **Shri Justice A.H Joshi (Chairman)**

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

1. Heard Shri A.A Desai with Shri S. Patil, learned advocate for the applicants in O.A 1083/2017, Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents no 2 to 3, Shri S.S Dere, learned advocate for Respondent no. 4 in O.A 1083/2017 and Shri N.P Dalvi, learned advocate for Respondent no. 1 in O.A 1083/2017.

2. Therefore, Original Applications are allowed with following directions:-

- (i) All these Original Applications are allowed and “पुनर्घोषणा” the declaration dated 25.9.2014 issued by M.P.S.C which is at page No. 41 of O.A 1083/2017 is quashed and set aside.
- (ii) Consequent action of M.P.S.C rejecting candidature of applicants in present O.A.s on the ground that they have availed the concession as regards upper age limit and as regards fees, is set aside.
- (iii) M.P.S.C is directed to scrutinize candidature of the applicants with reference to the bench mark of eligibility and with reference to recruitment rules and in particular by ignoring the reason of rejection and complete the scrutiny within 7 days from the date of receipt of this order.
- (iv) After complete scrutiny, M.P.S.C shall furnish to the State Government within 3 working days, the list of candidates who are found to be eligible, however, their candidature were rejected on account of “पुनर्घोषणा” dated 25.9.2014 which is quashed hereinbefore, in keeping with the statement made before this Tribunal, as recorded and narrated in foregoing paragraph.

3. In the result, parties are directed to bear their own costs.

**Sd/-**  
**(P.N Dixit)**  
**Member (A)**

**Sd/-**  
**(A.H. Joshi, J.)**  
**Chairman**

**Place : Mumbai**  
**Date : 27.03.2019**  
**Dictation taken by : A.K. Nair.**