

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 1304 OF 2023

DISTRICT : NASIK

Savita Baruk Chavan,)
Occ-Service,)
16/480, Shree Siddhivinayak Niwas)
Konark Nagar 2, Adgaon Shiwar,)
Nasik 422 003.)...**Applicant**

Versus

1. The State of Maharashtra)
2. Maharashtra Public Service)
Commission, Trishul Gold Field)
Plot N. 34, Opp. Sarovar Vihar)
Sector-11, CBD Belapur,)
New Mumbai 400 614.)...**Respondents**

Shri Jitendra N. Chavan, applicant's husband in person.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

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

DATE : 08.11.2023

PER : Justice Mridula Bhatkar (Chairperson)

J U D G M E N T

1. In this matter, the applicant is represented by her husband Jitendra Chavan, challenges the result of Maharashtra State Gazetted Combined Civil Services Combined Preliminary Examination 2023 declared on 6.9.2023 qua Orphan Category.

She further prays that she be allowed to appear for the Maharashtra State Gazetted Combined Civil Services Main Examination, 2023, as she was declared not qualified at the time of declaring the result of the Preliminary Examination.

2. Mr Jitendra Chavan, husband of the applicant submits that the M.P.S.C, has issued advertisement for Maharashtra State Gazetted Combined Civil Services Preliminary Examination on 24.2.2023. The applicant applied on 25.2.2023 under the category of Orphan reserved seats. She appeared for the Preliminary Examination. She secured 48.50 marks in Paper-I of the said examination. A Corrigendum was declared about the posts on 23.8.2023. The result of the Preliminary Examination was declared on 6.9.2023, in which she was shown not qualified. The applicant's husband submits M.P.S.C while declaring the results, erroneously declared the Category of Orphan, cut-off marks as per sub-category A & B, i.e., Institutional Orphan. The applicant is Non-Institutional Orphan and therefore, she should have been considered. Applicant's husband further submits G.R dated 6.4.2023 which categorize Institutional Orphan and Non-Institutional Orphan cannot be made applicable to the present examination as the advertisement for the examination was issued on 24.2.2023. He prays for interim relief that the applicant be allowed to fill the form for the Main Examination, as the Circular is issued on 3.11.2023 that the last date for filling up the Form for the Main Examination is 21.11.2023.

3. Learned P.O submits that the Respondents have not filed affidavit in reply. However, on bear reading of the G.R dated 6.4.2023, the Original Application is to be dismissed. Learned P.O submitted that the G.R dated 6.4.2023 is made applicable to all the examination conducted after 31.10.2022 and the said date is

mentioned in the G.R itself. The advertisement was issued on 24.2.2023 after the G.R was put in force on 31.10.2022.

4. We have gone through the G.R dated 6.4.2023. It is a settled position that when the advertisement is issued, the process of examination commences. The advertisement was issued on 24.2.2023. Hence, the process of the examination has commenced from 24.2.2023. In G.R dated 6.4.2023 the applicant has relied on sub-clause 5 of Clause 4, that is the guidelines for the implementation of the reservation. We are of the view that the said sub-clause 5 of Clause 4 of the G.R is pertaining to the issuance of the Certificate and those Certificates are to be issued as per the Format from the date of implementation of the G.R. It is rightly pointed out by learned P.O that in the last line of the G.R dated 6.4.2023, it is clearly stated that this G.R is made applicable to all the examination which are conducted after 31.10.2022. Thus, the said G.R contemplates that it is applicable retrospectively from 31.10.2022 to all the examinations which are going to be conducted after the said date. The process of the present examination is initiate in February, 2023 and hence it is covered by the said G.R dated 6.4.2023.

5. We find no substance in the Original Application and the same is hereby dismissed.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 08.11.2023
Dictation taken by : A.K. Nair.