

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 215 OF 2020 WITH M.A 49/2021  
(AURANGABAD BENCH)**

**DISTRICT : JALNA**

Shri Manoj Prabhakarrao Samag )  
Junior Clerk, District & Sessions )  
Court, Jalna, (now posted at )  
Civil Court, Junior Division, )  
Ambad, Dist-Jalna. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through Principal Secretary, )  
Finance Department, )  
Mumbai 400 032. )  
2. The Secretary, )  
M.P.S.C, 7 & 8<sup>th</sup> floor, )  
Cooperage Telephone Nigam )  
M.K Marg, Mumbai 400 021. )  
3. The Director of Accounts & )  
Treasuries, Thakarsi House, )  
Mumbai Port Trust, 3<sup>rd</sup> floor, )  
Ballard Estate, )  
Mumbai 400 001. )...**Respondents**

Shri Manoj P. Samag, Applicant in person.

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

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

**DATE** : **17.11.2022**

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

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

1. The applicant prays that the Respondents be directed to give one mark each for the question no. 4(b)(iv), which is checked as wrong answer and question no. 4(b)(vi) of paper no V which is not checked by paper checker treating same as extra.

2. The applicant submits that he had appeared for the examination of Maharashtra Finance and Accounts Services, Class-III Examination, held in two Parts, as Part-I & Part-II. The said examination was held from 24<sup>th</sup> to 27<sup>th</sup> April, 2018. The applicant cleared Part-I in the year 2016. In Part-II, Paper No. V, which is English Paper on Precis and Draft, he secured 39 marks out of 100 marks. The applicant submits that had the applicant got 40 marks instead of 39 marks, he was entitled to grace marks of 5. The applicant referred to question no 4(b), which is reproduced below:-

“Write the opposite any 5 out of 6.

1. Affirmative - Negative
2. Reactive - Non active.
3. frequent - rare
4. compulsory - optional/mandatory
5. Divide - unite
6. Vertical - Horizontal

3. It is the case of the applicant that Vertical – Horizontal was correct, but it was not considered as the first 5 questions were considered as the Examiner considered only the first 5 questions attempted by the applicant. The applicant states that the Respondents should be directed to give one mark each for question no. 4(b)(iv) of Paper-V which is marked as wrong and question no 4(b)(vi) of Paper-V which is not checked by the Examiner, who treated the same as extra. He, therefore, submitted that if he got one more mark, he would clear the said examination.

4. Learned C.P.O while opposing the application, states that the general instructions issued to the candidates under the heading of Departmental Examination dated 27.11.2015 are crystal clear. The said Condition no. 9 reads as under:-

“९.सोडविण्याच्या प्रश्नाची संख्या - प्रत्येक पत्रपत्रिकेवरील सूचनेप्रमाणे उमेदवाराने प्रश्न सोडविले पाहिजेत. जर विहित संख्येपेक्षा अधिक प्रश्न सोडविले तर विहित संख्येपर्यंत अगोदर सोडविलेल्या प्रश्नांची उत्तरे तपासली जातील. उरलेल्या प्रश्नांची उत्तरे दुर्लक्षित केली जातील. उमेदवाराने एका पत्राचे उत्तर दोन्हा लिहिल्यास तपासावयाचे नसलेले एक उत्तर रद्द समजण्याबाबत उमेदवाराने त्या उत्तरावर 'उत्तर रद्द' असा शेरा नमूद करावा.”

It is clearly stated that if the number of questions is attempted than the number indicated, then only the number indicated in the question shall be evaluated and the remaining answers shall be ignored.

5. It is a fact that the candidate has missed the examination by one mark. However, in view of the clear rules, clause no. 9, it is clear that marks for question no. 4(b)(iv) cannot be given effect for the last attempted question 4(b)(iv). It has been treated as extra and cannot be considered. Further the option for the opposite word compulsory is written as optional / mandatory. Hence, it has

been held as wrong. Learned C.P.O stated that as per the opinion of the Expert, the opposite of the word compulsory is voluntary.

6. The applicant further submitted that the instructions for the departmental examination as stated by the learned C.P.O were not available on the internet on the date of submission of the application. However, this fact has been refuted by the learned C.P.O, that these instructions were available o-line and they were also sent to all the Examination Centre. Learned C.P.O further stated that there are no provisions for re-evaluation of the answer keys as per the guidelines of M.P.S.C.

7. In view of the above, we do not find any merit in the application and the same stands dismissed.

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

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

**Place : Mumbai**  
**Date : 17.11.2022**  
**Dictation taken by : A.K. Nair.**