

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 94 /2020 (D.B.)**

Nilesh Panjabrao Gaikwad,  
Aged about 29 years, Occ. Unemployed/Student,  
R/o Sabne Lay Out Khamgaon,  
District Buldhana, Maharashtra-444 303.

**Applicant.**

**Versus**

- 1) Chairman District Selection Committee,  
Ratnagiri, being District Collector,  
Ratnagiri having his office at Court Naka,  
Ratnagiri.
- 2) Ms. Maha-IT, through Managing Director,  
Having his office at,  
Mantralaya, Mumbai, Maharashtra.
- 3) Project Manager, Mahapariksha Cell  
Having his office at Mantralaya, Mumbai,  
Maharashtra.
- 4) Vaibhav Ravindra Shende, Age 26  
Through MAHA-IT, Project Manager,  
Having his office at Mantralaya, Mumbai,  
Maharashtra.
- 5) State of Maharashtra,  
Through its Secretary for Revenue &  
Forest Department, having his office at Mantralaya,  
Mumbai.

**Respondents**

---

**Shri N.B.Rathod, Id. Advocate for the applicant.**

**Shri A.M.Khadatkar, Id. P.O. for the respondents.**

---

**Coram :- Hon'ble Shri Shree Bhagwan, Vice-Chairman &  
Hon'ble Shri M.A.Lovekar, Member (J).**

---

**JUDGMENT****(Delivered on this 16<sup>th</sup> day of Nov., 2022)****(Per:-Vice Chairman)**

Heard Shri N.B.Rathod, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the Respondents.

2. The applicant is resident of Maharashtra and in response to advertisement dated 28.02.2019 he applied for the post of Talathi in Ratnagiri District and appeared for the online examination. As per the pursis dated 10.11.2022 (page no. 137), the applicant is Kunbi by caste and thus belongs to O.B.C. Category. In Ratnagiri District total 94 posts of Talathi were to be filled. Out of that in O.B.C. Category taking in various in Horizontal Category total 23 posts were to be filled. (In General/Open O.B.C. 12 posts were to be filled (Annexure-A, Pg. No. 23). As per result attached, the applicant's name in O.B.C. Category appeared on page no. 74, Sr. No. 16 and he had scored 172 marks. The cut off marks for O.B.C. (General) is 174. The applicant has added respondent no. 4 who is selected as last O.B.C. (General) candidate and his D.O.B. is 1994, whereas the applicant's D.O.B. is 1990 page nos. 4 & 5 of O.A..

3. The main controversy is about question I.D. No. 87178 which pertains to writer William Shakespeare with respect to form of poetry which is known as Sonnet.

4. Respondent no. 1 filed reply on 22.09.2021 and submitted that examination was conducted and the recruitment attained finality on 04.09.2020. The examination was organized by Maharashtra Information Technology Corporation (Maha I.T.). Apart from this nothing concrete has been explained in the reply about the question which has given rise to the controversy.

5. Finally during hearing on 02.03.2021, Tribunal directed to Chairman, Selection Committee, Ratnagiri to refer the concerned question to the Head of the Department (Mumbai University).

6. The report dated 07.10.2021 stated:-

**“In my opinion, the option “B Garland” cannot be the correct answer. The question and the options could have been framed more appropriately.”** Head of the Department, Mumbai University had not clearly mentioned which was the correct answer. During hearing on 26.11.2021 to attain clarity, the Bench decided that matter be again referred to Head of the Department, English Department, Mumbai University and concerned H.O.D. was directed to submit his opinion on affidavit through ld. P.O..

7. During hearing on 10.12.2021, ld. P.O. submitted that Resident Deputy Collector, Ratnagiri vide his letter dated 09.12.2021 had referred the matter again to H.O.D., English Department, Mumbai University. During hearing on 08.02.2022, the ld. P.O. filed letter by Resident Deputy

Collector, Ratnagiri letter dated 07.01.2022 (Page no. 129) and along with that he also filed letter of H.O.D., English Department, Mumbai University dated 08.12.2021 (page no. 131). It is mentioned in the letter dated 08.12.2021 that from the existing options given in the question, 'D' - 'Collection' may be the nearest to the correctness.

8. So it is clear that the correct answer to question Sr. No. 68 - I.D. No. 87178 was 'D' i.e. 'Collection'. The Id. Counsel for the applicant has attached answer sheet of the applicant from page nos. 34 to 56 and on page no. 50 question no. 68 is shown.

9. Initially score of the applicant was calculated to be 172. While making this calculation two marks for answer to question no. 68 were not given to him. At that point it was held that the correct option answer to question no. 68 was option 'B' and the option chosen by the applicant i.e. option 'D' (Collection) was wrong. As mentioned above the correct option by way of answer to question no. 68 is found to be 'D' i.e. Collection. This was the chosen option of the applicant. Therefore, two marks will have to be added to his score. After addition, his score would be 174. Thus, respondent no. 4 as well as the applicant, in terms of the score, would stand on par. Hence the order:-

**O R D E R**

The respondents are directed to suitably consider case of the applicant for recruitment/ appointment as Talathi on the basis of actual marks scored by him i.e. 174. This process shall be concluded within two months from the date of receipt of this order. No order as to costs.

**(M.A.Lovekar)**  
**Member(J)**

aps

Dated - 16/11/2022

**(Shree Bhagwan)**  
**Vice Chairman**

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman  
& Hon'ble Member (J).

Judgment signed : 16/11/2022.  
on and pronounced on

Uploaded on : 17/11/2022.