

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.1165 OF 2022**

**DISTRICT : NASHIK**

K.N. Tadvı )  
Bhonsala Military College, )  
Gangapur Raod, Ramboomi )  
Nashik 422 005 ) **...Applicant**

**Versus**

The Secretary, )  
Maharashtra Public Service Commission )  
5<sup>th</sup>, 6<sup>th</sup> & 7<sup>th</sup> floor, Cooprej Telephone )  
Exchange Bldg., Maharshi Karve Marg, )  
Cooprej, Mumbai 400 021 ) **...Respondent**

Ms. Pooja Mankoji, learned Advocate holding for Mr. S.S. Dere, learned Advocate for the Applicant.

Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

**CORAM** : **Justice Mridula Bhatkar (Chairperson)**  
**Ms. Medha Gadgil, Member(A)**

**DATE** : **23.11.2022.**

**PER** : **Ms. Medha Gadgil, Member (A)**

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

1. Applicant prays for directions to the Respondent to condone the typographical error in the online application form and to permit the Applicant to fill up the State Service Main Examination Form.

2. Applicant applied for the State Civil Services Examination, Group-A under Open Sports Category pursuant to advertisement dated 11.05.2022. The Preliminary Examination was conducted on 21.08.2022. On 04.11.2022 Maharashtra Public Service Commission (M.P.S.C.) declared the result. Applicant has filed application form for 5 posts and in each category there is one post reserved for Open Sports Category. The cut-off for all posts in Open Sports Category is 27.50 marks whereas applicant secured 39.50 marks.

3. Learned Advocate for the Applicant submits that the applicant made inadvertent/typographical error while filling the online application form. In the column of 'Domicile Certificate' instead of 'Available' he filled it as 'No Available'. She further submitted that in the same application form applicant uploaded the Domicile Certificate issued by the Tahsildar, Akkalkuwa having Serial No.39501055795, District : Nandurbar. She further submitted that the Applicant cleared the Preliminary Examination which was conducted on 21.08.2022 and the result for the same was declared on 04.11.2022. Applicant applied in Open Sports Category for which cut-off is 27.50 marks and the applicant secured 39.50 marks. However, as the applicant had made mistake in the application form and mentioned that the domicile certificate is not available, the Applicant was declared as fail on account of non-availability of his domicile certificate. Learned Advocate for the Applicant has admitted that it is a mistake on the part of the Applicant though he should have been more cautious while filling the Application form. Learned Advocate further states that the applicant inadvertently / wrongly filled the option as 'No Available'.

4. Learned Advocate for the Applicant relied on the following judgment :

**Writ Petition No.393/2016, Mrs. Patil Vijaya Milind Versus The State of Maharashtra & Ors. dated 22.01.2016 by Hon'ble Bombay High Court, Bench at Aurangabad.**

5. Learned C.P.O. for the Respondents while opposing the O.A. referred to the general instructions issued to the candidates. She particularly referred to Clause 1.2.5.6 and 1.2.5.7 which reads as below:

“१.२.५.६. कोणत्याही जाहिरातीस अनुसरून अर्ज सादर करण्यापूर्वी प्रोफाईलमध्ये आवश्यक त्या सुधारणा केल्यास सदर सुधारणा संबंधित अर्जामध्ये समाविष्ट होऊ शकतील. अर्ज सादर केल्यानंतर प्रोफाईलमध्ये केलेले बदल सादर केलेल्या अर्जामध्ये समाविष्ट होऊ शकणार नाहीत. तसेच, आयोगास सादर केलेल्या अर्जामध्ये बदल करण्याबाबतची उमेदवाराची कोणतीही विनंती विचारात घेतली जाणार नाही.

१.२.५.७. स्पर्धा परीक्षेच्या पूर्व परीक्षेकरीता/ सरळ सेवा भरतीकरीता सादर केलेल्या अर्जातील दावे (उदा. अधिवास, दिव्यांग, माजी सैनिक, प्राविण्यप्राप्त खेळाडू, अनाथ, जातीचा प्रवर्ग, नॉन-क्रिमीलेयर, शासकीय कर्मचारी, बृहन्मुंबई महापालिका / बेस्ट मुख्य परीक्षेकरीता / सरळसेवा भरतीकरीता कोणताही बदल करता येणार नाही.”

It is clearly stated that no candidate is allowed to change the information given in the online application form. She also relied on the judgment of M.A.T. Bench Aurangabad in O.A.No.410/2012, Shri Anil P. Sarkate Versus M.P.S.C. & Anr., dated 11.10.2013.

6. Learned C.P.O. on instructions from MPSC has produced the application form which was filled up by the Applicant on 30.05.2022 and where in the Column Domicile, the question was put “Domicile Details – Maharashtra Domicile Certificate?.” and “No” is mentioned.

7. In the case of **Patil Vijaya Milind (supra)** the Hon'ble Bombay High Court, Bench at Aurangabad has held that the Petitioner needs to be given an opportunity to prove her merit even in the interview and her candidature cannot be rejected merely on the ground that she has

wrongly filled in the information against Column No.13, which is related to reserved caste. The Petitioner herein was given a chance to submit her certificate within a stipulated time.

8. In the judgment in O.A.No.410/2012 it is held by the M.A.T. Bench Aurangabad that by allowing the applicant to correct the information in the application form will amount to discrimination to other candidates who have also furnished incorrect information in the application forms and were rejected on account of mistake committed by them. The said O.A. was dismissed. Learned C.P.O. has submitted that in view of the judgment in O.A.No.410/2012 it will be against the violation of Rules of M.P.S.C which clearly do not allow the candidate to make any correction which was filled at the time of Preliminary Examination.

9. We have seen application form which is annexed from page 29 to 32 of the paper book. In fact it is not the application form presented by him for examination but it is profile of the Applicant which is updated on 01.06.2022. In the profile he has given domicile details as follows:-

*“Domicile Details*

*Maharashtra Domicile Certificate ? Yes*

*Domicile Certificate No Available*

*Domicile Issuing Date 17/01/2017”*

*Issuing District Nandurbar*

*Certificate Number 39501055795*

10. Thus, in the application form which is produced by the M.P.S.C, the Applicant has clearly mentioned “No” it is admittedly inadvertent mistake. Learned Advocate for the Applicant on our query has explained that the Applicant has submitted the profile where he has written the correct details about Domicile certificate on next date i.e. 01.06.2022, he had accepted that he had filled up form on 30.05.2022.

However, he found that there was mistake in his Domicile details so he updated his profile with an impression that if his profile is updated his application form will also be updated. Learned Advocate for the Applicant submits that he has immediately updated his profile.

11. Learned C.P.O. while making this submission has pointed out that in advertisement dated 11.05.2022 Clause No.16 the candidates were supposed to see online instruction and in Clause 1.2.8 the instructions about the cancellation of the application is given. She further submits that in this Clause it is mentioned that if there is any mistake committed by the candidate and if at all he wants to change the application and correct his mistake he can change his mistake accordingly. He has to cancel the said application and make fresh application on paying necessary fees. Then the fresh application is to be submitted on or before stipulated date.

12. Learned C.P.O. submits that there are specific instructions which are to be followed by the candidates while filling online application form. The Applicant in the present case did not follow the instructions but has erroneously relied on the updating of his profile. Learned C.P.O. further submits that such mistake should not be allowed to be corrected because there may be many candidates like the Applicant. She relied on the judgment passed by this Tribunal, Aurangabad Bench filed by Shri Anil P. Sarkate in O.A. No.410/2012 wherein this Tribunal by order dated 11.10.2013 did not allow to correct the mistake. Respondent did not allow to correct the mistake on the ground that it will amount to discrimination to other candidates, who has also furnished incorrect

information in the application forms and were rejected on account of so called mistake committed by them.

13. We accept there are directions about how the mistake committed in the application is to be corrected by cancelling the first application and by filling second correct application form. The Applicant was supposed to follow all the guidelines and fill the form but he did not fill the form following guidelines and thereafter he found he had committed mistake and then he updated his profile. As per these guidelines any representation made by the candidates to M.P.S.C. will not be entertained for any reason on any ground in respect of mistake. Therefore, M.P.S.C. is not authorized to correct. Thus, the applicant has rightly approached the Tribunal.

14. We have considered the Judgment in the case of Shri Anil P. Sarkate and also we have three Judgements before us i.e.

- (i) **Hon'ble High Court, Delhi W.P. (C)11642/2016 and CM No.45868/2016 (stay) in Shri Ajay K. Mishra v/s. Union of India & Ors decided on 23.12.2016,**
- (ii) **O.A. No.1086/2016 in Shri Sunil B. Sumbe v/s. The State of Maharashtra & Ors. decided on 07.06.2019 & also the Judgement of Shri Pramod P. Birajdar v/s. The State of Maharashtra & Ors. decided on 14.06.2019 in O.A. No.1047 of 2016.**

In these judgments the Applicants had committed mistake while filling up the form and when it was realized by the candidates, they approached the Tribunal at the preliminary examination or at the last stage and even after the interview in the case of **Shri Ajay K. Mishra's case (cited supra).**

15. After going to all these ruling, we are of the view that though there are strict guidelines by the M.P.S.C. and the candidates are supposed to follow them, however the Tribunal has to consider whether the mistake is malafide, deliberate or bonafide and secondly whether the Applicant is going to be benefited by making incorrect disclosure in the application and thirdly whether the Applicant has approached the Tribunal well within the time. No candidate should make no mistake is ideal situation. However, the candidates sometime commit error mistake inadvertently and if the mistake is found and incorrect statement or information furnished in the application form is found contrary to the truth/ fact which exists and at the relevant time and in fact it is going against the Applicant then we are inclined to interfere with decision of the M.P.S.C..

**ORDER**

- A) The Applicant is allowed to fill up the form for State Service Main Examination with correct information qua Domicile and he is allowed to appear for the Main examination pursuant to the advertisement dated 19.09.2022.
- B) O.A. is accordingly disposed of.

Sd/-

**(Medha Gadgil)**  
**Member (A)**

Sd/-

**(Mridula Bhatkar, J.)**  
**Chairperson**

prk