

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.1340 OF 2023

DISTRICT : NASHIK
Sub.:- Selection

Shri Kisan Narshi Tadvi.)
Age : 25 Yrs, Occu.: Nil,)
Bhonsala Military College, Gangapur Road,))
Ramboomi, Nashik – 422 005.)...**Applicant**

Versus

The Secretary.)
Maharashtra Public Service Commission,)
Rishul Gold Field, Plot No.34, Sector 11,)
Opp. Sarovar Vihar, Belapur CBD,)
Navi Mumbai – 400 614.)...**Respondent**

Shri S.S. Dere, Advocate for Applicant.

Ms. S.P. Manchekar, Chief Presenting Officer for Respondent.

CORAM : Smt. Justice Mridula Bhatkar, Chairperson
Debashish Chakrabarty, Member-A

DATE : 06.12.2023

JUDGMENT

1. Learned Counsel for the Applicant submitted that the Applicant has applied from the Open Sports Category-Group-A. The State Services Group-A and Group-B Main Examination was conducted per MPSC Amendment No.99/2022. However, his name is not appearing in the Merit List of the qualified candidates of Main Examination for

the interview. The Applicant prayed that the Tribunal be pleased to direct the Respondent to revise the result of Main Examination by applying the Rules and Procedure of MPSC 2014 and 2016 and shortlist 3 times candidates from Open Sports Category Group-A category pursuant to Advertisement No.99 of 2022 and call him for Interview.

2. Learned Counsel for the Applicant then submitted that this is 2nd round of litigation. The Applicant had filed O.A. No.1165 of 2022 in which the issue of Domicile Certificate was raised but his grievance was redressed and he was allowed to fill up the form for State Services Group-A and Group-B Main Examination with correct information qua Domicile Certificate and allowed to appear for the Main Examination. The Applicant had cleared the Preliminary Examination and appeared for the Main Examination.

3. Learned Counsel for the Applicant states that the Applicant is meritorious and candidate who has applied in the Open Sports Category, Group-A as he has played at International Level. His grievance is that the M.P.S.C. while listing candidates for State Services Group-A under the Open Sports Category Group-A has not shortlisted the candidates by following Rule 9 of the 'Rules of Procedure' of M.P.S.C. by maintaining ratio of 1:3.

4. Learned C.P.O. submits that they have followed the 'Rule 9' of the Rules of procedure of MPSC and considered the case of the Applicant as per marks received by him in the Main Examination and also based on the information filled up in Application Form by the Applicant which was available to M.P.S.C.

5. Learned C.P.O. further submits that Applicant has applied in Open Sport Category Group-A. The cutoff marks for the Open Sports

Category Group-A is 223.50 out of 800. The Applicant has secured 150 marks and it is also averred in O.A. by the Applicant.

6. Today, Shri Sunil H. Avtade, Joint Secretary, MPSC is present and he submits that posts were reserved for Open Sports Category Group-A where meritorious International Sportsmen would be eligible. Therefore, 15 candidates have been shortlisted by applying the ratio of 1:3. Shri Sunil H. Avtade, Joint Secretary, MPSC explains that these 15 candidates are shortlisted on the basis of marks obtained by them in Main Examination and their claims made in the Application Form that they are meritorious International Sportsmen eligible for Group-A. Shri Sunil H. Avtade, Joint Secretary, MPSC also submitted that they have not verified the documents annexed to the Application Form before shortlisting them for Interview. Shri Sunil H. Avtade, Joint Secretary, MPSC informs that MPSC has now checked the Application Form of all these 15 candidates who are shortlisted and *prima-facie* found that only 3 candidates have uploaded the requisite documents about being International Sportsmen as per the requirement in the MPSC Advertisements showing their eligibility under Open Sports Category Group-A meritorious being International Sportsmen.

7. In response to the MPSC Advertisements for 5 posts, total of 51 candidates had applied for this Open Sports Category Group-A meritorious International Sportsmen. As there are 5 posts and only 3 candidates have been found eligible in first shortlisting by MPSC, now MPSC has now decided to verify the Application Forms of remaining 35 candidates. Shri Sunil H. Avtade, Joint Secretary, MPSC further clarifies that the Application Form of the present Applicant is also verified and he is found eligible for Group-A Open Sports Category being meritorious International Sportsmen. Thus, there are remaining 34 applications which are to be verified now by MPSC.

8. Learned CPO submits that this verification was possible only because the Applicant approached the Tribunal well within the time and number of applications received by MPSC for this particular category of Open Sports Group-A are limited in number and on considering the short span of ongoing Interviews which are going to be over on 17th January, 2024 and further it was also considered on the ground that the 5 posts are reserved for meritorious International Sportsmen, the reservation will not be carried forward, but the posts will be converted by diluting the reservation of Open Sports Category Group-A.

9. We appreciate the stand taken by MPSC to resolve this issue relating to scrutiny of documents of candidates at the Interview stage of those who are really eligible for Open Sports Category Group-A.

10. In view of the submissions made by Shri Sunil H. Avtade, Joint Secretary, MPSC and as Shri S.S. Dere, learned Advocate for the Applicant has accepted the present stand taken by MPSC to do scrutiny of documents at the Interview stage and considering peculiar facts and circumstances, we partly allow this matter with following order.

ORDER

- (i) Original Application is partly allowed.
- (ii) MPSC to revise the list of shortlisted candidates for meritorious international sportsmen considering their eligibility.
- (iii) If the Applicant is found eligible, he is to be called for Interview.

(iv) No order as to costs.

Sd/-
(DEBASHISH CHAKRABARTY)
Member-A

Sd/-
(MRIDULA BHATKAR, J.)
Chairperson

Mumbai

Date : 06.12.2023

Dictation taken by :

S.K. Wamanse.

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