

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NO.345 OF 2016
WITH
MISCELLANEOUS APPLICATION NO.154 OF 2019**

Vijendra Pitamber Patil,)
Age : 36 years, Occu- Nil (employed))
R/o. 10 Kulswamini, Renuka Colony,)
Pungaon Road, Pachora, Tal. Pachora,)
District Jalgaon) **...Applicant**

Versus

1. The State of Maharashtra,)
Through Secretary, Social Welfare and)
Justice, Mantralaya, Mumbai 400 032)

2. The District Collector / President,)
District Selection Committee, Jalgaon,)
(Copy to be served on Standing Counsel)
Of MPSC) **...Respondents**

Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant.
Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

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

DATE : **27.01.2023**

PER : **Justice Mridula Bhatkar (Chairperson)**

J U D G M E N T

1. Applicant has prayed to call record and proceedings in respect of selection of "Talathi" for which examination was held on 31.07.2011 from the office of Respondent No.2. Further he prays that the impugned letter dated 03.11.2012 be quashed and set

aside. Applicant prays that directions be issued to Respondent No.2 to re-evaluate his answer sheet in pursuance of the representation dated 16.08.2011 and if he secures considerable marks he be appointed on the post of Talathi.

2. M.A.No.154/2019 is filed seeking re-hearing of O.A. in the light of communication dated 20.02.2019 issued by Respondent No.2 to Chief Presenting Officer thereby providing the details in the form of vacancies for the post of Talathi on the establishment of Respondent No.2.

3. Learned Advocate Mr. Bandiwadekar submits that by letter dated 03.11.2012 the Respondent No.2 has informed the applicant that the report of Expert Committee is accepted by the District Selection Committee. Photocopy of the said report is placed on record at pages 33 to 35 of the O.A. Learned Advocate submits that when the Applicant appeared for the examination of Talathi he found that 12 Questions were not correct, so he raised objections along with communication dated 03.11.2012. Respondent rejected objections raised by the Applicant to the 12 Questions.

4. Learned Advocate further submits that out of 12 Questions, Applicant has given up Question Nos.6, 7, 8 11 and 12. Learned Advocate submits that the other Question Nos.1, 2, 3, 4, 5, 9 and 10 are erroneous and objections taken by the Applicant should have been accepted. He submits that the examination which is challenged by the Applicant is of the year 2011. Learned Advocate has pointed out that in the year 2019 some vacancies were shown available as per their communication dated 20.02.2019 by the Collector, Jalgaon.

5. Applicant has secured less marks to be considered in the merit list. The objections which are raised by the Applicant to the Answer Key are considered by the Expert Committee and the said

report was accepted by the District Selection Committee. Thus, only after considering of these objections the Committee has rejected and has confirmed the earlier Answer Key published by the Experts.

6. We have earlier dealt with this issue of change of Answer Key. We have rejected such application based on the judgments of Hon'ble Supreme Court in the case of ***Ran Vijay Singh & Ors. Versus State of Uttar Pradesh & Ors.(2018) 2 SCC 357*** and ***U.P.S.C., through its Chairman & Anr. Versus Rahul Singh & Anr. Civil Appeal No. 5838/2018 (Arising out of SLP (C) No 12472/2018)***. In the said judgments it is held that in case of glaring mistake the judicial interpretation may be possible. However, after going through the Questions and also Answer Key copy whereof is at pages 33 to 35 of this O.A., we are of the view that there is no such glaring mistake. Hence, we are not inclined to intervene in this matter.

7. In such circumstances, no relief can be granted to the Applicant. Hence, O.A. stands dismissed.

Sd/-

(Medha Gadgil)
Member (A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

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