

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.54 OF 2022

DISTRICT : PUNE

Mr. Abhijeet Ashokrao Joshi)
Aged : 38 years, Occ. Nil,)
R/at. Flat No.102, Bldg. No.10, Garden City,)
Shikrapur, Tal. Shirur, Dist. Pune.) **...Applicant**

Versus

1. The State of Maharashtra,)
Through the Secretary,)
General Administration Department,)
Mantralaya, Mumbai 400 032)
2. The Secretary,)
Maharashtra Public Service Commission,)
5th, 7th floor, Cooprej Telephone Exchange)
Bldg., Maharshi Karve Marg,)
Cooprej, Mumbai 400 021.) **...Respondents**

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

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

CORAM : Justice Ms. Mridula Bhatkar, Chairperson

DATE : 20.01.2022

J U D G M E N T

1. Hon'ble Member(A), Ms. Medha Gadgil is on leave today. Hence, urgent and interim matters are heard by Chairperson sitting single by consent.

2. The State Services Preliminary Examination 2021 issued Advertisement on 04.10.2021. Examination is going to be held on 23.01.2022. Hence, the Applicant prays that he be allowed to appear for the examination.

3. The learned Advocate submits that the applicant has completed 38 years of his age on 12.08.2021 as his date of birth is 12.08.1983. The learned Advocate further submits that the Government by Government Resolution (G.R.) dated 17.12.2021 has taken decision to relax the condition of upper age limit for the candidates who became age-barred during the period between 01.03.2020 to 17.12.2021. She relied on the announcement dated 28.12.2021 issued by the M.P.S.C. wherein it is stated that the M.P.S.C. has considered to give one special chance to the candidates who became age-barred during the period from 01.03.2020 till 17.12.2021.

4. The learned Advocate submits that the applicant is age-barred and therefore he is entitled to get the benefit of G.R. and the announcement of M.P.S.C. The applicant was aware that the examination which was earlier conducted on 02.01.2022 is postponed and scheduled on 23.01.2022. He tried to get the hall-ticket, but he could not find as his entire form was deleted and therefore he applied to M.P.S.C. The M.P.S.C. by

communication dated 18.01.2021 informed that his application was cancelled due to age limitation. After receiving the communication dated 18.01.2021 he rushed to this Tribunal praying that he be allowed to appear for the examination on 23.01.2022.

5. The learned C.P.O. for the Respondents on instructions from M.P.S.C. submits that the examination was earlier scheduled on 02.01.2022. The hall-tickets were already issued to all the candidates who were found eligible. The Applicant was not eligible as he has crossed the age limit. However, due to the relaxation policy which the Government made known to the public by G.R. dated 17.12.2021 and the M.P.S.C. issued announcement dated 28.01.2021 and directed all the candidates who were age-barred during the stipulated period to fill-up the form from 28.12.2021 till 01.01.2022. The date of payment of examination fees was extended upto 01.01.2022.

6. The learned C.P.O. has submitted that the M.P.S.C. received applications afresh and also from the candidates who had appeared earlier and shown age-barred. The learned C.P.O. submits that substantial number of candidates who were age-barred were given the opportunity to apply as they had submitted the applications afresh during the period from 28.12.2021 to 01.01.2022. Thus, all the candidates were given hall-ticket well in advance and now the examination is going to be conducted on 23.01.2022. The learned C.P.O. further submits that it was necessary for the Applicant to give fresh application as published by the M.P.S.C. on the web-site wherein it was made clear in the publication about the relaxation of the age-bar and filling of the fresh application. She submits that under

such circumstances the applicant who did not bother to apply should not be allowed to appear for the examination.

7. Heard submissions. Considered the G.R. and announcement by M.P.S.C.

8. Undoubtedly, the applicant is entitled to get the benefit of age under this G.R. and announcement. However, the applicant has failed to comply with the instructions given in this announcement of the M.P.S.C. He should have applied and filled-up fresh form between 28.01.2021 to 01.01.2022 like other candidates who were also age-barred but they subsequently followed all the directions given in the announcement and got the hall-ticket. Thus, the applicant who did not bother to fill-up the form during that stipulated period cannot be given another opportunity to appear in the examination because chance was earlier given to all the candidates. However, he did not availed of the said opportunity and other candidates who were on the same footing have applied and got their hall-tickets.

9. Interim relief is rejected. In view of the prayer in the main O.A. as interim relief is refused, O.A. has become infructuous and hence dismissed.

(Mridula Bhatkar J.,)
Chairperson

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