

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO.1118 OF 2024

S.D. Patil & Ors.

....Applicants

Vs.

The State of Maharashtra & Ors.

....Respondents.

Mr. Sandeep Dere a/w. Mr. Sachin Ambulkar, Ms. Sonali Pawar and Ms. Pooja Mankoji, learned Counsel for the Applicants.

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

CORAM : **Justice Mridula Bhatkar, Chairperson**
Mr. Debashish Chakrabarty, Member(A)

DATE : 06.02.2025

OPERATIVE ORDER

1. The 263 candidates who were already recommended by M.P.S.C. for appointment to posts of Three Cadres i.e. Assistant Section Officer (ASO), State Tax Inspector (STI) and Sub-Registrar (SR) were called for qualifying Physical Test for appointment to posts of Police Sub Inspector (PSI). However, only 6 candidates from amongst these 263 candidates appeared for qualifying Physical Test. Thus; 257 candidates, including 4 Applicants, who have qualified 'Main Examination' and seeking appointment to posts of PSI could not get an opportunity to appear for qualifying Physical Test.

2. The 257 candidates could thus have been included within list of 1558 candidates prepared by M.P.S.C. by maintaining the ratio of 1:4 to appear for qualifying Physical Test. Admittedly; M.P.S.C. had not sought 'Preferences' of shortlisted candidates in 'General Merit List' published separately for Three Cadres i.e. Assistant Section Officer (ASO), State Tax Inspector (STI) and Sub-Registrar (SR); but still yet

went ahead to prepare respective Recommendation Lists. Thus had M.P.S.C. done so; then it would have provided opportunity to more candidates who have given option for PSI in the Common Pool at time of appearing for 'Preliminary Examination' and subsequently have also qualified 'Main Examination'. Therefore, as it is necessary to provide maximum opportunity in Public Employment to meritorious candidates; we find it just to direct M.P.S.C. to call these 257 candidates from Common Pool who have qualified 'Main Examination' and had given option for posts of PSI to also appear for qualifying Physical Test. Thus, we pass the following order :

- (A) O.A. is Partly Allowed.
- (B) M.P.S.C. shall call these 257 candidates based on their merit from Common Pool of candidates who have passed 'Main Examination' and had given option of PSI to also appear for qualifying Physical Test.
- (C) M.P.S.C. to conduct the qualifying Physical Test for these 257 candidates at the earliest possible and in any case before 31st March, 2025.
- (D) M.P.S.C. further informed to go ahead with the present Schedule of Interviews of candidates who have already qualified Physical Test for PSI. However, the Final Result for all posts of PSI shall not to be declared till these 257 candidates appear for qualifying Physical Test and those who pass it thereupon undergo Interview to be conducted separately by M.P.S.C.

Sd/-
(Debashish Chakrabarty)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

prk