

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.460 OF 2023

WITH

MISC. APPLICATION NO.644 OF 2023

DISTRICT : Solapur

- | | | |
|-----|----------------------------|---|
| 1. | Shri Bhushan B. Pawar |) |
| 2. | Shri Sandip Ashok Pawar |) |
| 3. | Shri Kapil B. Ghodake |) |
| 4. | Shri Swapnil B. Surywanshi |) |
| 5. | Shri Sachin S. Borse |) |
| 6. | Shri Umesh A. Patil |) |
| 7. | Smt. Trupti A. Thakare |) |
| 8. | Shri Chetan M. Jayale |) |
| 9. | Shri Akash D. Wanjare |) |
| 10. | Shri Narendra M. Gawade |) |
| 11. | Shri Satyajit S. Patil |) |
| 12. | Shri Nilesh T. Shewale |) |
| 13. | Shri Namdeo E. Narute |) |
| 14. | Shri Anand V. Gajbhiye |) |
| 15. | Smt. Manisha G. Gore |) |
| 16. | Smt. Rupali V. Meshram |) |
| 17. | Shri Roshan W. Durge |) |
| 18. | Shri Yogesh R. Atate |) |
| 19. | Shri Akshay V. Ghavat |) |
| 20. | Shri Ajinkya R. Pawar |) |
| 21. | Smt. Savitra D. Garad |) |
| 22. | Shri Umesh B. Chavan |) |
| 23. | Shri Atul S. Dabhade |) |
| 24. | Shri Jayesh M. Kharpade |) |
| 25. | Shri Omkar S. Kesarkar |) |
| 26. | Smt. Sunita G. Kalapad |) |
| 27. | Shri Shrikant R. Kadam |) |
| 28. | Shri Viraj R. Gambhire |) |
| 29. | Smt. Kalyani R. Jadhav |) |
| 30. | Shri Viraj T. Gadhave |) |
| 31. | Shri Siddhant A. Wagh |) |
| 32. | Smt. Pooja A. Inge |) |
| 33. | Shri Rohit D. Khade |) |
| 34. | Smt. Chaitali M. Solanke |) |
| 35. | Shri Abhijit R. Shinde |) |
| 36. | Shri Dinesh S. Bhadane |) |
| 37. | Smt. Sunita P. Vakase |) |
| 38. | Shri Umesh B. Maske |) |
| 39. | Shri Amol V. Nalwade |) |
| 40. | Shri Vishwambhar B. Kanle |) |

41. Smt. Sondge Monali Gautam)
42. Shri Rohit Vijay Bhoite)
43. Smt. Sampada S. Tetu)
44. Smt. Priyanka D. Daware)
45. Smt. Vanita S. Bansode)
46. Smt. Archana V. Dhavale)
47. Smt. Shruti S. Ghadi)
48. Shri Vitthal K. Tong)
49. Shri Pravin P. Pawar)
50. Shri Parmeshwar R. More)
51. Smt. Vaishnavi V. Ingewar)
52. Shri Nilesh B. Dange)
53. Shri Amit A. Porete)
54. Shri Bhagwat Vitthal Dudhal)
55. Smt. Ekta P. Nagdeote)
56. Shri Hitesh P. Zade)
57. Smt. Trupti P. Gourkar)
58. Smt. Pratiksha P. Dhrmadhikari)
59. Smt. Bhang Radha Govind)
60. Shri Kolhewad P. Balaji)
61. Shri Akshay S. Khade)
62. Shri Gopal D. Shelake)
63. Shri Sachin D. Thorat)
64. Shri Shashank S. Gopiwar)
65. Shri Andhale Rushikesh Kisan)
66. Smt. Rajaneegandha M. Hake)
67. Smt. Neha V. Kshirsagar)
68. Shri Gopal S. Bundhe)
69. Smt. Gadekar Pratiksha Bapur)
70. Smt. Jagadale Priyanka Kundalik)
71. Smt Mamta B. Manvate)
72. Smt. Reshma V. Alate)
73. Shri Maheshkumar K. Malusare)
74. Shri Harshjeet T. Bansode)
75. Shri Ajinkya S. Jamdar)
76. Smt. Dhanashri S. Kshirsagar)
77. Shri Abhijit T. Ghogare)
78. Smt. Shilpa P. Indrawar)
79. Shri Rohit R. Gosavi)
80. Shri Kiran V. Patil)
81. Shri Vipinkumar G. Babnekar)
82. Smt. Darshani S. Patil)
83. Shri Swapnil S. Ghorpade)
84. Shri Amit S. Mohite)
85. Shri Manoj G. Bindge)
86. Shri Arvind T. Rathod)
87. Shri Gajanan P. Palnate)
88. Shri Swami S. Veerpakshappa)
89. Shri Yogesh K. Jagtap)

90.	Smt. Vidya A. Deogade)
91.	Smt. Pratiksha V. Jogdand)
92.	Shri Sathe Jeevan Manohar)
93.	Shri Sagar R. Raut)
94.	Shri Avinash T. Patil)
95.	Smt. Jyotsna B. Sakore)
96.	Shri Nilesh W. Gathibandhe)
97.	Shri Chandrakant M. Dhatinge)
98.	Smt. Pratibha R. Suryawanshi)
99.	Shri Vrushabh R. Gunde)
100.	Shri Kundgir Swarupa Ramrao)
101.	Shri Juber J. Shaikh)
102.	Smt. Sujata G. Namankar)
103.	Shri Akash A. Bele)
104.	Shri Nagesh H. Tondrod)
105.	Smt. Vandana K. Chougule)
106.	Shri Mahesh S. Haral)
107.	Shri Sushant A. Mandhare)
108.	Shri Ashok B. Raut)
109.	Shri Akshay T. Khade)
110.	Shri Mangesh V. Nagre)
111.	Shri Pravin B. Shelke)
112.	Smt. Kalyani M. Ingle)
113.	Shri Suraj V. Bhandigare)
114.	Smt. Priyanka B. Patil)
115.	Smt. Aparna Y. Dhenge)
116.	Shri Jamasu B. Zirava)
117.	Shri Shitaf Amit Kisan)
118.	Shri Akshay C. Wankhade)
119.	Shri Vighne Sanjay Tukaram)
120.	Shri Kishor G. Chougale)
121.	Shri Tushar G. Tanpure)
122.	Shri Abhishek P. Katore)
123.	Smt. Vaishali B. Shinde)
124.	Shri Balasaheb A. Lavate)
125.	Shri Ajay S. Jadkar)
126.	Smt. Shraddha R Nawle)
127.	Smt. Tejal A Gangurde)
128.	Shri. Gunvant A Jadhav)
129.	Shri. Shivaji R. Babar)
130.	Shri. Arjun S. Gurav)
131.	Smt. Dhanashree S. Mane)
132.	Smt. Durga S. Garje)
133.	Shri. Vishal V. Patil)
134.	Shri Rajkumar V. Kendre)
135.	Shri Vishal M. Takalpalliwar)
136.	Shri. Hanumant B. Ranadive)
137.	Shri. Mule Girish Appanna)
138.	Dnyaneshwar B. Mahale)

139. Shri. Abhijit R. Mange)
140. Shri. Divakar U. Chavan)
141. Smt. Vaishali V. Chavan)
142. Shri. Shankar A. Dhengale)
143. Shri. Umesh B. Chavan)
144. Shri. Sikandar B. Dargewale)
145. Shri. Sachin M. Kadalwar)
146. Smt. Bhagyashri B. Mane)
147. Shri. Sugriv B. Throat)
148. Shri. More Atul Sunil)
149. Shri. Vikas R. Kamble)
150. Shri. Krishna D. Gite)
151. Shri. Rode Parmeshwar Raosaheb)
152. Shri. Rahul B. Sonawane)
153. Shri. Rahul S. Patil)
154. Shri. Mahesh B. Honrao)
155. Shri. Dnyanoba A. Nadarge)
156. Shri. Prakash M. Shinde)
157. Shri. Vikas B. Phatangare)
158. Shri. Kiran A. Kadam)
159. Shri. Dinesh S. Patil)
160. Shri. Kishor P. Pawar)
161. Shri. Prashant J. Wakchaure)
162. Shri. Dhammapal B. Hiwale)
163. Smt. Anita S. Patil)
164. Smt. Manisha N. Kekan)
165. Shri. Sunil T. Mahale)
166. Shri. Prasad S. Ayare)
167. Shri. Suryakant P. Kadlag)
168. Smt. Nivedita D. Jagtap)
169. Shri. Hendge Shivkumar Madhav)
170. Shri. Jaysinha B. Yevale)
171. Shri. Bhalerao Sagar Subhash)
172. Smt. Suraiyya S. Desal)
173. Shri. Arjun A. Mohite)
174. Smt. Somiya S. Gunki)
175. Smt. Dhaneshwari P. Mahajan)
- C/o. Shri Anuj V. Gaiwar, Advocate)
- A.A.W.I. Room No.15A, 2nd floor,)
- Annex Building, High Court, Fort,)
- Mumbai, Maharashtra 400 032.)...**Applicants**

Versus

1. The State of Maharashtra, through)
- Additional Chief Secretary,)
- General Administrative Dept.)
- Having office at Manatralaya,)
- Mumbai 32.)

2. Maharashtra Public Services -)
 Commission, Trishul Gold Field,)
 Plot No.34, Sector 11, Opp.)
 Sarovar Vihar, Belapur CBD,)
 Navi -Mumbai 400 614.)... **Respondents**

Shri A. V. Gaikar, Advocate for Applicants
Ms. S.P. Manchekar, Chief Presenting Officer for the Respondents

CORAM : Justice Mridula Bhatkar, Chairperson
Shri Debashish Chakrabarty, Member (A)

Reserved on : 09.09.2024

Pronounced on : 28.03.2025

PER : Shri Debashish Chakrabarty, Member (A)

JUDGEMENT

1. The learned Counsel for Applicants who had appeared for 'Typing Skill Test' for appointment to posts of 'Clerk-cum-Typist' & 'Sales Tax Assistant' through 'Maharashtra Group C Main Examination 2021' had initially challenged the method adopted by 'MPSC' to conduct it on 07.04.2023. Thereafter; this O.A. No. 460/2023 came to be amended by Applicants to also challenge 'Final Results' declared by 'MPSC' on 12.07.2023 and 17.08.2023 after 'Typing Skill Test' was re-conducted on 31.05.2023. The Applicants have further prayed that MPSC be directed to again re-conduct the 'Typing Skill Test' even though 'Final Results' were declared by 'MPSC' on 12.07.2023 and 17.08.2023.

2. The learned Counsel for Applicants submits that 'MPSC' had issued Advertisement No. 58/2022 to 62/2022 dated 28.06.2022 for appointment to posts of 'Clerk-cum-Typist' & 'Sales Tax Assistant' through 'Maharashtra Group C Main Examination 2021'. The total posts which had been advertised were (a) 'Marathi Typists' :-1077, (b) 'English Typists' :- 102 and (c) 'Sales Tax Assistants' :-285. The Applicants pursuant to Advertisement No.269/2021 dated 21.12.2021 of 'MPSC' had appeared and cleared the 'Pre-Examination'. The Applicants thereafter appeared for the 'Maharashtra Group C Main Examination 2021' based

on Advertisement No.58/2022 to 62/2022, dated 28.06.2022 of 'MPSC'. The Applicants passed the 'Maharashtra Group C Main Examination 2021' and so their names appeared in 'Merit List' of candidates declared eligible to undergo 'Typing Skill Test'. Hence, based on Advertisement No. 58/2022 to 62/2022 dated 28.06.2022 of 'MPSC' all eligible candidates including Applicants who had passed the 'Maharashtra Group C Main Examination 2021' appeared for 'Typing Skill Test' which was conducted by 'MPSC' on 07.04.2023.

3. The learned Counsel for Applicants further submitted that important instructions regarding 'Typing Skill Test' had been issued to all candidates for both 'Marathi Typing' and 'English Typing'; by way of Advertisement No.58/2022 to 62/2022 dated 28.06.2022 for conduct of 'Maharashtra Group C Main Examination 2021'. The 'Qualifying Criteria' fixed by 'MPSC' regarding 'Typing Skill Test' was also published earlier on 16.11.2021 by 'MPSC' at time of 'Preliminary Examination'. The 'Clause No.8.5' of Advertisement No.58/2022 to 62/2022, dated 28.06.2022 for conduct of 'Maharashtra Group C Main Examination 2021' contained 'Specific Instructions' to candidates appearing for 'Typing Skill Test' in both 'Marathi Typing' and 'English Typing'. In 'Clause No. 8.5.(6)' it was disclosed that 'Typing Skill Test' would be 'Qualifying Test'; while under 'Clause No.8.5.6(6)' it was mentioned that 'Qualifying Criteria' would be 'Mistakes' Counted as 'Percentage of Key Depressions'. Further; 'Clause No.8.5.6(7)', this 'Qualifying Criteria' was further explained while in 'Clause No.8.5.8', specific disclosure was made that 'Mistakes' Counted as 'Percentage of Key Depression' would be used for assessment of 'Typing Skill Test'. These relevant clauses of Advertisement No.58/2022 to 62/2022 dated 28.06.2022 for 'Maharashtra Group C Main Examination 2021' are thus reproduced below:-

८.५ टंकलेखन कौशल्य चाचणी (केवळ लिपिक-टंकलेखक व कर सहायक पदाकरीता):-

- ८.५.१ दिव्यांग आरक्षणाचा दावा करणाऱ्या तसेच माजी सैनिक आरक्षणाचा दावा करणाऱ्या पात्र उमेदवारांना टंकलेखनाची परीक्षा उत्तीर्ण होण्यासाठी त्याच्या नियुक्तीच्या दिनांकापासून २ वर्षांचा कालावधी व २ संधी अनुज्ञेय असल्यामुळे अशा उमेदवारांना टंकलेखन चाचणी अनिवार्य नाही.
- ८.५.२ लिपिक-टंकलेखक (मराठी), लिपिक-टंकलेखक (इंग्रजी) तसेच कर सहायक या तीन संवर्गातील पदभरतीकरीता संगणक प्रणालीवर आधारित स्वतंत्र टंकलेखन कौशल्य चाचणी घेण्यात येईल.
- ८.५.३ टंकलेखन कौशल्य चाचणी ही केवळ अर्हताकारी/पात्रता (Qualifying) स्वरूपाची असेल.
- ८.५.४ लेखी परीक्षेच्या निकालाच्या आधारे संबंधित संवर्गाच्या भरावयाच्या पदांच्या तीनपट उमेदवार टंकलेखन कौशल्य चाचणीकरीता पात्र ठरविण्यात येतील.
- ८.५.५ लिपिक-टंकलेखक (मराठी), लिपिक-टंकलेखक (इंग्रजी) व कर सहायक संवर्गाकरीता स्वतंत्रपणे टंकलेखन कौशल्य चाचणी घेण्यात येतील. कर सहायक संवर्गाकरीता मराठी व इंग्रजी या दोन्ही चाचणीकडे अर्हताकारी/पात्र (Qualifying) उरणे आवश्यक असेल.

८.५.६ टंकलेखन कौशल्य चाचणीचा तपशील :-

अ.क्र.	तपशील	निकष
(१)	चाचणीकरीता पात्र करावयाच्या उमेदवारांची संख्या	भरावयाच्या पदांच्या तीनपट
(२)	टंकलेखन कौशल्य चाचणीचे स्वरूप	लिपिक-टंकलेखक (मराठी) लिपिक-टंकलेखक (इंग्रजी) कर सहायक
(३)	चाचणीचे निकष	अर्हताकारी (Qualifying) अर्हताकारी (Qualifying) दोन्ही भाषेत अर्हताकारी (Qualifying)
	टंकलेखन	शब्द प्रतिमिनिट
	इंग्रजी	४०
	मराठी	३०
(४)	टंकलेखनाची गती मोजण्याची पध्दत	KDPH (Key Depressions Per Hour) १२००० १००००
(५)	चुका/त्रुटी मोजण्याचे प्रमाण	१० मिनिटे (दिव्यांग उमेदवार १५ मिनिटे) १० मिनिटे (दिव्यांग उमेदवार १५ मिनिटे)
(६)	त्रुटी/चुका मोजण्याची पध्दती	मजकूर संगणकावर दिविले कालावधीत टंकलिखित करण्याच्या उमेदवाराच्या अचूकतेवर दोन दशांशपर्यंत
(७)	पात्रतेसाठी सीमोक्त मर्यादा/रथा	एकूण कळ अवनमन (Key Depression) च्या शेकडा प्रमाणात ७% १०%
(८)	परिच्छेदाचे लेखन सांगणारा व्यक्ती (Passage Dictator) ची उपलब्धता	अंध/अल्पदृष्टी उमेदवारांना त्यांच्या मागणीनुसार (लगू असल्यास)

- ८.५.७ लेखनिक/सहायकची मागणी करणाऱ्या अंध/अल्पदृष्टी उमेदवारांना त्यांच्या मागणीनुसार परिच्छेदाचे लेखन सांगणारा व्यक्ती (Passage Dictator) उपलब्ध करून देण्यात येईल. (लगू असेल त्याप्रमाणे)
- ८.५.८ टंकलेखनातील त्रुटी/चुकासंदर्भात एकूण कळ अवनमन (Key Depression) च्या शेकडा प्रमाणात त्रुटी/चुका पात्रतेसाठी ग्राह्य धरण्यात येतील.

4. The learned Counsel for Applicants stated that 'MPSC' had issued 'Publication Note' on 29.03.2023 regarding conduct of 'Typing Skill Test' wherein 'General Instructions' were given to candidates who had appeared for 'Maharashtra Group C Main Examination 2021' to seek appointment to posts of 'Clerk-cum-Typist' & 'Sales Tax Assistant'. Further in 'Clause No.1.2' of these 'General Instructions' the details of specification and make of 'Keyboards' which were to be provided to candidates were mentioned as (i) 'Marathi Typing'-Remington Marathi' and (b) 'English Typing'-English (US)'. In 'Clause No.1.4' of these 'General Instructions' it was further stated that 'Typed Text' could be edited at any point of time till completion of 'Typing Skill Test' by using 'Backspace Key' to correct any 'Incorrect Word' and 'Arrow Key' could be used to reach out to any word within the 'Typed Text'. There was also mention in 'Clause No.1.6'. of these 'General Instructions' that for occurrences of technical difficulties such as (a) 'Keyboard Error' (b) 'Machine Auto Lock,' (c) 'Power Disruption and (d) 'Forced Session Time-Out'; the candidates could immediately contact 'Invigilators' deputed by 'MPSC'

5. The learned Counsel for Applicant emphasized that at time of conduct of 'Typing Skill Test' the 'Keyboards' which were actually provided to candidates for 'Marathi Typing' and 'English Typing' were not of the exact specifications which had been disclosed in 'General

Instructions' given by 'MPSC' through 'Publication Note' issued on 29.03.2023. Therefore; many candidates including Applicants had faced many technical difficulties in correcting the 'Typed Text'. Again on 03.04.2023 another 'Publication Note' was issued by 'MPSC' regarding conduct of 'Typing Skill Test' on 07.04.2023 by which candidates were belatedly informed about availability of 'Mock Test' on links provided on 31.03.2023. In 'Publication Note' dated 03.04.2023 of 'MPSC', the 'Clause No.4.1' was for 'Marathi Typing' and 'Clause No.4.2' were for 'English Typing'. The particulars of 'Clause Nos.4.1' and 'Clause 4.2' were as under :-

“4.1 Marathi Typing.

- 1) For Open Candidates the Perfect Word of typing is 279 or more out of 300 words (1500 Key Depression)
- 2) For other than Open Candidates in respect of Reserved Candidates the Perfect Words of typing is 270 or more out of 300 words.

4.2 English Typing.

- 1) For Open Candidates the Perfect Words of typing is 372 or more out of 400 words (2000 Key Depression).
- 2) For other than Open Candidate in respect of Reserved Candidates the Perfect Words of typing is 360 or more out of 400 words.

6. The learned Counsel for Applicant emphatically contended that 'MPSC' by 'Publication Note' dated 03.04.2023 had substantially changed the 'Qualifying Criteria' for assessment of 'Typing Skill Test' by making it stricter in comparison to what was initially disclosed by 'MPSC' in Advertisement No. 269/2021 dated 21.12.2021 for 'Preliminary Examination' and by Advertisement No. 58/2022 to 62/2022 dated 28.06.2022 for conduct of 'Maharashtra Group C Main Examination 2021'. The substantially changed new 'Qualifying Criteria' adopted was 300 'Total Typed Words' with '1500 Key Depression' for 'Marathi Typing' out of which in respect of candidates from 'General Category; the new 'Qualifying Criteria' was fixed as 279 'Perfect Typed Words' and for those from 'Reserved Category' it was fixed as 270 'Perfect Typed Words'.

Similarly; the new 'Qualifying Criteria' adopted for 'English Typing' was 400 'Total Typed Words' with 2000 'Key Depressions' out of which in respect of candidates from 'General Category'; the new 'Qualifying Criteria' was fixed as 372 'Perfect Typed Words' and for those from 'Reserved Category' it was fixed as 360 'Perfect Typed Words'. The learned Counsel for Applicants contended that due to such unexpected change and adoption of new 'Qualifying Criteria' for 'Typing Skill Test'; the required passing percentages for candidates from (a) 'General Category' got relatively raised to beyond 93% and (b) 'Reserved Category' got relatively raised to beyond 90%.

7. The learned Counsel for Applicants argued that new 'Qualifying Criteria' for assessment of 'Typing Skill Tests' of 'Marathi Typing' and 'English Typing' could not have been introduced subsequently and belatedly by 'MPSC' on 03.04.2023. The candidates including Applicants at such last moments therefore faced much difficulties while appearing for 'Typing Skill Test' on 07.04.2023. So, Applicants made representations to 'MPSC' soon after 'Typing Skill Test' was conducted on 07.04.2023 and demanded that it be cancelled and also challenged it by filing this present OA No.460/2023. on 20.04.2023. However, in between 'MPSC' issued another "Publication Note" on 15.05.2023 to announce that they would reconduct the 'Typing Skill Test'. Accordingly; 'MPSC' re-conducted the 'Typing Skill Test' on 31.05.2023 for 'Maharashtra Group C Main Examination 2021' after cancellation of results of earlier 'Typing Skill Test' held on 07.04.2023. The 'Final Result' of 'Maharashtra Group C Main Examination 2021' based on this re-conducted 'Typing Skill Test' of 'Marathi Typing' and 'English Typing' were declared by 'MPSC' on 12.07.2023 and 17.08.2023. However, these 'Final Results' declared by 'MPSC' did not include names of Applicants as they had not cleared 'Typing Skill Test' which was re-conducted as 'Qualifying Test' on 31.05.2023.

8. The learned Counsel for Applicants submits that Applicants who had cleared 'Maharashtra Group C Main Examination 2021' now stand deprived from being selected for appointment to posts of 'Clerk and Typist' as their names were not included in 'Final Result' declared by 'MPSC' on 12.07.2023 and 17.08.2023. The learned Counsel for Applicant stresses that the 'Keyboards actually provided for 'Marathi Typing' and 'English Typing' were not of exact specifications as had been disclosed by 'MPSC'. Further; as 'Keyboards' provided by 'MPSC' were not smooth in operations it further aggrieved the technical difficulties faced by candidates including the Applicants. The learned Counsel emphasized that the most important and real grievance of Applicants was that 'MPSC' had in between an ongoing recruitment process completely changed the 'Qualifying Criteria' much after 'Preliminary Examination' was announced by Advertisement No.269/2021 dated 21.12.2021 and 'Maharashtra Group C Main Examination 2021' subsequently announced by Advertisement No. 58/2022 to 62/2022 dated 28.06.2022. The 'MPSC' could not have altered the earlier 'Qualifying Criteria' by just issuing 'Publication Note' on 03.04.2023 when 'Typing Skill Test' had already been scheduled on 07.04.2023.

9. The learned Advocate for Applicants referred to 'Publication Note' dated 16.11.2021 wherein earlier 'Qualifying Criteria' for 'Typing Skill Test' for 'English Typing' was based on speed of 12000 'Key Depression' Per Hour (KDPH) for 'Marathi Typing' and speed of 9000 'Key Depression Per Hour (KDPH)' which were infact similar to 'Qualifying Standards' adopted by 'Staff Selection Commission'. The Advertisement No.269/2021 dated 21.12.2021 had mentioned that for 'Marathi Typing' the candidates were expected to achieve 300 'Total Typed Words' within allotted 10 Minutes as per criteria of 30 Words/ Per Minute; while for 'English Typing' the candidates were expected to achieve 400 'Total Typed Words' within allotted 10 Minutes as per criteria of 40 Words/Per Minute. However; because of substantially changed 'Qualifying Criteria' of 2000 Key Depressions for 'English Typing' and 1500 Key Depressions

for 'Marathi Typing' alongwith incorporation of 'Perfect Typed Words' by MPSC for assessment of 'Typing Skill Test' which earlier was to be based only on 'Mistakes Counted as Percentage of 'Key Depression'; it had completely changed the 'Rules of Game'. In support of his submission; the learned Counsel of Applicant argued that earlier 'Qualifying Criteria' of 'Mistakes Counted as Percentage of 'Key Depression' which was adopted right from beginning by 'MPSC' came to be radically altered by 'Publication Note' by 'MPSC' on 03.04.2023 by relating it to new criteria 'Perfect Typed Words' going against well settled principles that such major changes in 'Qualifying Criteria' were impermissible during ongoing process of any 'Public Examination'.

10. The learned CPO initially submitted that it was for very first time that 'MPSC' had decided to jointly hold 'Typing Skill Test' for posts of 'Clerk-cum-Typist' and 'Sales Tax Assistants'. The 'Preliminary Examination' was attempted by 3,08,236 candidates; while 11,982 candidates appeared for 'Main Examination' for posts of 'Clerk-cum-Typist' and 2,804 candidates gave the 'Main Examination' for posts of 'Sales Tax Assistants' under 'Maharashtra Group C Main Examination 2021'. The number of candidates subsequently declared eligible by 'MPSC' to appear for 'Typing Skill Test' for posts of 'Clerk-cum-Typists' were 3703 and those for post of 'Sales Tax Assistants' were 922 which was initially conducted by 'MPSC' on 07.04.2023.

11. The learned CPO emphasized that 'MPSC' through 'Notification' dated 16.11.2021 had made passing of 'Typing Skill Test' mandatory as it was 'Qualifying Test' for all candidates seeking appointment on posts of 'Clerk-cum-Typist' and 'Sales Tax Assistant'. The 'Qualifying Criteria' for 'Typing Skill Test' were based on norms of 30 Words/Per Minute with 9000 KDPH (Key Depression Per Hour) within allotted 10 Minutes for 'Marathi Typing' and it was 40 Words/Per Minutes with 12000 KDPH (Key Depression Per Hour) within allotted 10 Minutes for 'English Typing'. Further while determining the 'Qualifying Criteria' the broad parameters

of 'Typing Skill Test' which are used by 'Staff Selection Commission came to be adopted by 'MPSC'.

12. The Advertisement No.269/2021 dated 21.12.2021 of 'MPSC' for 'Preliminary Examination' and Advertisement No. 58/2022 to 62/2022 dated 28.06.2022 for 'Maharashtra Group C Main Examination 2021' for appointment to posts of 'Clerk-cum-Typist' and 'Sales Tax Inspector' had all along disclosed that 'Typing Skill Test' would not only be based on norms 30 Words/Per Minute or 40 Words/Per Minute within time Allotted but assessment would be done by adopting 'Mistakes Counted as Percentage of 'Key Depression'. Accordingly; the candidates appearing for 'Typing Skill Test' in 'Marathi Typing' were expected to achieve 300 'Total Typed Words' within allotted 10 Minutes based on criteria of 30 Words/Per Minute while the candidates appearing for 'English Typing', were expected to type 400 'Total Typed Words' within allotted 10 Minutes based on per criteria of 40 Words/ Per Minute. However as it was technically not objectively possible to have 'Qualifying Criteria' based on 'Mistakes Counted as Percentage of 'Key Depression' which was an univariate index; the concept of 'Perfect Words Typed' was incorporated to re-calibrate the 'Qualifying Criteria' adopted earlier by 'MPSC'. The details of this sharper 'Qualifying Criteria' was then published by 'Publication Note' of 'MPSC' dated 03.04.2023 after 'General Instructions' for 'Typing Skill Test' in 'Marathi Typing' and 'English Typing' had been given by 'MPSC' well in time to all candidates on 29.03.2023 and much prior to conduct of 'Typing Skill Test' on 07.04.2023.

13. The learned CPO submitted that basic character of 'Qualifying Criteria' had therefore remained unchanged from what was initially disclosed by 'Notification' of 'MPSC' dated 16.11.2021 followed by 'Advertisement No.269/2021, dated 21.12.2021 and Advertisement No. 58/2022 to 62/2022 dated 28.06.2022 for conduct of 'Maharashtra Group C Main Examination 2021'. The 'Publication Note' dated 03.04.2023 of 'MPSC' had only elaborated for benefit of all candidates the

sharper 'Qualifying Criteria' to be used by 'MPSC' for assessment of 'Typing Skill Test' which was to be conducted on 07.04.2023.

14. The learned CPO submitted that while considering various representations submitted by candidates to 'MPSC' soon after 'Typing Skill Test' was conducted on 07.04.2023 and upon going through 'Spot Reports' submitted by 'Invigilators' appointed by 'MPSC' as also reports of its 'Service Provider'; the considered conclusion which was arrived at by 'MPSC' was that some candidates had indeed faced some 'Technical Difficulties' while appearing for the 'Typing Skill Test' conducted on 07.04.2023. The 'MPSC' therefore by 'Publication Note' dated 15.05.2023 announced that 'Typing Skill Test' would be re-conducted for all candidates who had taken the earlier 'Typing Skill Test' on 07.04.2023. The 'Typing Skill Test' was accordingly re-conducted on 31.05.2023. The learned CPO emphasized that 'Typing Skill Test' being re-conducted by 'MPSC' had infact provided the eligible candidates a 'Second Chance' to prove their efficiency in both 'Marathi Typing and English Typing'. Thereafter, on completion of due procedures separate 'Merit Lists' for 'Clerk-cum-Typist' and 'Sales Tax Assistant' came to be published by 'MPSC' on 12.07.2023 and 17.08.2023.

15. The learned CPO reiterated that 'Typing Skill Test' was re-conducted by MPSC on 31.05.2023 only after new 'Publication Note' was published on 15.05.2023. The earlier 'Qualifying Criteria' which had been initially fixed in Advertisement No.269/2021, dated 21.12.2021 and Advertisement No. 58/2022 to 62/2022 dated 28.06.2022 for 'Maharashtra Group C Main Examination 2021' had remained unaltered, so by 'Publication Note' dated 03.04.2023 of 'MPSC' it was only further elaborated for better understanding of eligible candidates who thereafter appeared for 'Typing Skill Test' on 07.04.2023. Further, it was not true that clarifications given by 'MPSC' on 20.11.2023 was not in conformity with 'Notification' dated 16.11.2021; and subsequent Advertisement No.269/2021, dated 21.12.2021 and Advertisement No. 58/2022 to

62/2022 dated 28.06.2022 for 'Maharashtra Group C Main Examination 2021'. The 'MPSC' through both of these documents had unambiguously disclosed to candidates that method to be adopted was 'Mistakes Counted as Percentage of 'Key Depression' for which assessment standards were capped at 7% for candidates of 'General Category' and 10% for candidates of 'Reserved' Category. However, it was not technically feasible to continue use of this earlier 'Qualifying Criteria' of "Mistakes Counted as Percentage of 'Key Depression'. Hence, count of 'Perfect Typed Words' after elimination of 'Mistakes' had to be incorporated in 'Qualifying Criteria' for 'Marathi Typing' and 'English Typing'.

16. The case of Applicants was emphatically argued by learned Counsel on grounds that earlier 'Qualifying Criteria' based on 'Mistakes Counted as Percentage of 'Key Depression' which had been initially disclosed by 'Notification' dated 16.11.2021 subsequently then by Advertisement No.269/2021 dated 21.12.2021 and Advertisement No.58/2022 to 62/2022 dated 28.06.2022 for 'Maharashtra Group C Main Examination 2021 could not have been subsequently & belatedly modified by 'MPSC' just before 'Typing Skill Test' in 'Marathi Typing' and 'English Typing' was held on 07.04.2023. However, the fact remains that soon afterwords in due consideration of various representations received from candidates regarding 'Technical Difficulties' encountered by them during 'Typing Skill Test' on 07.04.2023; it was appreciably decided by 'MPSC' to re-conduct the 'Typing Skill' Test on 31.05.2023.

17. The 'Typing Skill Test' in 'Marathi Typing' and 'English Typing' was equitably re-conducted by 'MPSC' on 31.05.2023 by which eligible candidates got rare 'Second Chance' to again prove their efficiency in 'Marathi Typing' and 'English Typing'. Thereafter, upon completion of all procedures of 'MPSC'; the 'Merit Lists' for appointments posts of 'Clerk-cum Typist' and 'Sale Tax Assistant' were separately published on 12.07.2023 and 17.08.2023.

18. The 'MPSC' by adopting sharper 'Qualifying Criteria' instead of just 'Mistakes Counted as Percentage of 'Key Depression' through emphasis on achievement of count of 279 'Perfect Typed Words' out of 300 Total Types Words for 'Marathi Typing' when done by 1500 'Key Depressions' in 10 Minutes and 372 'Perfect Typed Words' out of 400 'Total Typed Words' for 'English Typing' in 10 Minutes done by 2000 'Key Depressions' in 10 Minutes only slightly modulated the benchmarks of 93% set for candidates from 'General Category' and similarly of 90% set for candidates from 'Reserved Category'. Infact; on the other hand 'MPSC' in display of alacrity had acknowledged that 'Technical Difficulties' were indeed faced by several eligible candidates who appeared for 'Typing Skill Test' conducted on 07.04.2024. Thus by new 'Publication Note' issued on 15.05.2023 it declared that 'Typing Skill Test' would be re-conducted on 31.05.2023. Based on the results of 'Typing Skill Test' re-conducted on 31.05.2023 it has been incidentally revealed by 'MPSC' that out of 70 Applicants who have filed this OA No.460/2023; there were 29 Applicants who had qualified the 'Typing Skill Test' which was re-conducted on 31.05.2023.

19. The 'MPSC' had been entrusted not just with onerous responsibility of completing recruitment process to fill up 1077 posts of Clerk-cum-Typist for 'Marathi Typing' and 102 posts of English Typing besides 285 posts of 'Sales Tax Assistant'; but it was obligated to find 'Best Candidates' who possess superior ability of 'Marathi Typing' and 'English Typing' from amongst all 3703 candidates who were found eligible to appear for 'Typing Skill Test'. Hence; it was necessary for 'MPSC' to select only those candidates who made fewer 'Mistakes' which had been clearly predefined by disclosures of sharper 'Qualifying Criteria' based on 'Perfect Typed Words' for both 'English Typing' and 'Marathi Typing'.

20. The sharper 'Qualification Criteria' adopted by 'MPSC' on 03.04.2023 was only to select 'Best Candidates' from amongst total of 3703 candidates who were found eligible to undergo 'Typing Skill Test' on

07.04.2023. The sharper 'Qualifying Criteria' based on rationale of 'Perfect Typed Words' was known to all candidates including Applicants since it was published again by 'MPSC' on 24.05.2023 much before it re-conducted the 'Typing Skill Test' on 31.05.2023. 'MPSC' had elaborately disclosed what would be considered as 'Mistakes' to arrive at the count of 'Perfect Typed Words' as well as what were to be expected from candidates as 'Do's' and 'Don'ts'. The contents of its 'Para 2', 'Para 3' & 'Para4' are thus reproduced below for contextual clarity about the case of Applicants :-

2. After the submission of the test following errors are treated as Mistakes:-

2.1 For every omission of word.

2.2 For every substitution of a wrong word.

2.3 For every addition of a word not found in the passage.

2.4 For every spelling error committed by way of repetition or addition or transposition or omission or substitution of a letter/letters, e.g.: the word 'spelling' typed as 'Speleeng' etc.

2.5 Wrong Capitalisation: Wrong use of capital letter for small letter and vice-versa. (For english Typing only)

2.6 One Mistake = One Error

3. Do's

Before actual test, take Mock test to ensure familiarity with handling the computer/keyboard etc.

4. Don'ts

4.1 Don't use any other key or key combination apart from those that is required to type the given test.

4.2 Don't enter any special character/symbol other than mentioned in the provided test. (This could skip words, leads to typing error, could be evaluated as typing mistake).

4.3 Don't toggle between language and keyboards imputes for any reason.

4.4. Don't press back space or any other key once the test is submitted and summary is displayed.

21. The sharper 'Qualifying Criteria' adopted by 'MPSC' to select the 'Best Candidates' from amongst 3703 eligible candidates who appeared for 'Typing Skill Test' again on 31.05.2023 could not have been achieved

based only on univariate measure in earlier 'Qualifying Criteria' which was 'Mistakes Counted as Percentage of 'Key Depression' as this would have reduced the 'Typing Skill Test to just 'Test of Speed' rather than it being 'Test of Speed along with 'Test of Accuracy'. The ability to achieve 'Key Depressions' of 1500 in 10 Minutes for 'Marathi Typing' and 'Key Depressions' of 2000 in 10 Minutes for 'English Typing' together with expected count of 'Perfect Typed Words' upon elimination of predefined 'Mistakes' would invariably depend not only on 'Dexterity of Fingers' but equally on 'Sharpness of Eyes' with superior 'Agility of Mind'. Only if these critical aspects of 'Human Sensory Functions' were to work harmoniously and efficiently during the conduct of 'Typing Skill Test' would any candidate succeed to achieve sharper 'Qualifying Criteria' adopted by 'MPSC'.

22. The 'MPSC' had rather appreciably considered that 'Technical Difficulties' were indeed faced some candidates when 'Typing Skill Test' was conducted initially on 07.04.2024 and so by an act reflective of equitableness and transparency provided such candidates scarce opportunity to reappear for 'Typing Skill Test' in 'Marathi Typing' and 'English Typing' which was re-conducted by 'MPSC' on 31.05.2023.

23. The 'Maharashtra Group C' Main Examination 2021' which was conducted by 'MPSC' right through different stages of 'Preliminary Examination' after publication of Advertisement NO.269/2021 dated 21.12.2021 and 'Main Examination' after publication of Advertisement No.58/2022 to 62/2022 dated 28.06.2022 and then taking commendable decision to re-conduct 'Typing Skill Test' on 31.05.2023 is clearly observed again in decision taken to issue of 'Publication Note' dated 20.11.2023 even after 'Final Results' had been declared on 12.07.2023 and 17.08.2023 with sole objective of dispelling any lingering doubts in minds of candidates who had appeared for all stages of 'Maharashtra Group C' Main Examination 2021. The contents of the 'Publication Note'

dated 20.11.2023 are thus necessary to reproduce for greater contextual clarity about merits of the case of Applicants :-

“१. मराठी टंकलेखन कौशल्य चाचणी:-

(१) आयोगाच्या दिनांक २० जुलै, २०२३ रोजीच्या समक्रमांकाच्या प्रसिध्दीपत्रकात नमुद केल्यानुसार प्रस्तुत संवर्गासाठी दिनांक ३९ मे, २०२३ रोजी घेण्यात आलेल्या मराठी टंकलेखन कौशल्य चाचणीमध्ये पहिल्या १५०० key depression नुसार २३६ शब्द तयार होतात. त्यानुसार पात्रतेसाठी अराखीव उमेदवारांना ९३% च्या निकषानुसार किमान २१९ बरोबर शब्द व राखीव उमेदवारांना ९०% च्या निकषानुसार किमान २१२ बरोबर शब्द टंकलिखित करणे आवश्यक होते.

(२) ज्या अराखीव वर्गवारीच्या उमेदवारांनी किमान पहिले २१९ शब्द बरोबर टंकलिखित केले तसेच ज्या राखीव वर्गवारीच्या उमेदवारांनी किमान पहिले २१२ शब्द बरोबर टंकलिखित केले त्या उमेदवारांना संगणक प्रणालीने निर्देशित केल्यानुसार टंकलेखन कौशल्य चाचणीत पात्र दर्शविण्यात आले आहे.

(३) ज्या अराखीव वर्गवारीच्या उमेदवारांनी चाचणीवेळी २१९ पेक्षा कमी शब्द टंकलिखित केले आहेत तसेच, ज्या राखीव वर्गवारीच्या उमेदवारांनी चाचणीवेळी २१२ पेक्षा कमी शब्द टंकलिखित केले आहेत त्या उमेदवारांच्या Response Sheet चे मुल्यांकन (Assessment) न करता त्यांना टंकलेखन कौशल्य चाचणीत अपात्र दर्शविण्यात आले आहे. (अराखीव उमेदवारांना किमान २१९ व राखीव उमेदवारांना किमान २१२ बरोबर शब्द टंकलिखित करणे आवश्यक होते)

(४) उपरोक्त मुद्दा क्रमांक (२) व (३) मधील उमेदवार वगळून इतर सर्व उमेदवारांच्या Response Sheet चे मुल्यांकन (Assessment) हे विषय तज्ञांमार्फत करण्यात आले आहे. सदर मुल्यांकनावेळी ज्या अराखीव वर्गवारीच्या उमेदवारांनी चाचणी उता-यातील पहिल्या २३६ शब्दांपैकी किमान २१९ शब्द बरोबर टंकलिखित केले आहेत तसेच ज्या राखीव वर्गवारीच्या उमेदवारांनी चाचणी उता-यातील पहिल्या २३६ शब्दांपैकी किमान २१२ शब्द बरोबर टंकलिखित केले आहेत त्यांना पात्र ठरविण्यात आले आहे. (टंकलेखन कौशल्य चाचणीच्या उमेदवारांसाठी सर्वसाधारण सूचनांनुसार चाचणी उता-यातील पहिल्या २३६ शब्दांपैकी वगळलेले शब्द, चुकीचे शब्द, पुनरावृत्तीच्या मार्गाने टंकलिखित केलेले शब्द हे चुकीचे म्हणून गणण्यात आले आहेत)

(५) आयोगाकडून दिनांक २५ ऑगस्ट, २०२३ रोजी प्रसिध्द करण्यात आलेले टंकलेखन कौशल्य चाचणीसाठी उपस्थित उमेदवारांनी टंकलिखित केलेले एकुण शब्द, बरोबर शब्द व चुकीचे शब्द ही माहिती/यादी ही तांत्रिक त्रुटीमुळे संगणक प्रणालीने दर्शविलेल्या चुक अथवा बरोबर शब्दांनुसार तयार करण्यात आली होती. परंतु, ज्या उमेदवारांच्या Response Sheet चे मुल्यांकन (Assessment) हे विषय तज्ञांमार्फत करण्यात आले आहे, त्या उमेदवारांचे चुकीचे शब्द व बरोबर शब्द सदर यादीमध्ये तांत्रिक त्रुटीमुळे चुकीचे दर्शविण्यात आले होते. यास्तव सदर माहिती/यादी ही रह करण्यात येत असुन उमेदवारांनी टंकलेखन कौशल्य चाचणीमध्ये पहिल्या २३६ शब्दांमध्ये किती शब्द चुकीचे टंकलिखित केले आहेत ते शेकडा प्रमाणात (७% व १०%) नमुद करून पात्र व अपात्रता यादी प्रसिध्द करण्यात येत आहे.

२. इंग्रजी टंकलेखन कौशल्य चाचणी:-

(१) आयोगाच्या दिनांक २० जुलै, २०२३ रोजीच्या समक्रमांकाच्या प्रसिध्दीपत्रकात नमुद केल्यानुसार प्रस्तुत संवर्गासाठी दिनांक ३१ मे, २०२३ रोजी घेण्यात आलेल्या इंग्रजी टंकलेखन कौशल्य चाचणीमध्ये पहिल्या २००० key depression नुसार ४०० शब्द तयार होतात. त्यानुसार पात्रतेसाठी अराखीव उमेदवारांना ९३% च्या निकषानुसार किमान ३७२ बरोबर शब्द व राखीव उमेदवारांना ९०% च्या निकषानुसार किमान ३६० बरोबर शब्द टंकलिखित करणे आवश्यक होते.

(२) ज्या अराखीव वर्गवारीच्या उमेदवारांनी किमान ३७२ शब्द बरोबर टंकलिखित केले तसेच ज्या राखीव वर्गवारीच्या उमेदवारांनी किमान पहिले ३६० शब्द बरोबर टंकलिखित केले त्या उमेदवारांना संगणक प्रणालीने निर्देशित केल्यानुसार टंकलेखन कौशल्य चाचणीत पात्र दर्शविण्यात आले आहे.

(३) ज्या अराखीव वर्गवारीच्या उमेदवारांनी चाचणीवेळी ३७२ पेक्षा कमी शब्द टंकलिखित केले आहेत तसेच, ज्या राखीव वर्गवारीच्या उमेदवारांनी चाचणीवेळी ३६० पेक्षा कमी शब्द टंकलिखित केले आहेत त्या उमेदवारांच्या Response Sheet चे मुल्यांकन (Assessment) न करता त्यांना टंकलेखन कौशल्य चाचणीत अपात्र दर्शविण्यात आले आहे. (अराखीव उमेदवारांना किमान ३७२ व राखीव उमेदवारांना किमान ३६० बरोबर शब्द टंकलिखित करणे आवश्यक होते)

(४) उपरोक्त मुद्दा क्रमांक (२) व (३) मधील उमेदवार वगळून इतर सर्व उमेदवारांच्या Response Sheet चे मुल्यांकन (Assessment) हे विषय तज्ञांमार्फत करण्यात आले आहे. सदर मुल्यांकनावेळी ज्या अराखीव वर्गवारीच्या उमेदवारांनी चाचणी उता-यातील पहिल्या ४०० शब्दांपैकी किमान ३७२ शब्द बरोबर टंकलिखित केले आहेत तसेच ज्या राखीव वर्गवारीच्या उमेदवारांनी चाचणी उता-यातील पहिल्या ४०० शब्दांपैकी किमान ३६० शब्द बरोबर टंकलिखित केले आहेत त्यांना पात्र ठरविण्यात आले आहे. (टंकलेखन कौशल्य चाचणीच्या उमेदवारांसाठी सर्वसाधारण सूचनांनुसार चाचणी उता-यातील पहिल्या ४०० शब्दांपैकी वगळलेले शब्द चुकीचे शब्द, पुनरावृत्तीच्या मागाने टंकलिखित केलेले शब्द हे चुकीचे म्हणून गणण्यात आले आहेत)

(५) आयोगाकडून दिनांक २५ ऑगस्ट, २०२३ रोजी प्रसिध्द करण्यात आलेले टंकलेखन कौशल्य चाचणीसाठी उपस्थित उमेदवारांनी टंकलिखित केलेले एकुण शब्द, बरोबर शब्द व चुकीचे शब्द ही माहिती यादी ही तांत्रिक त्रुटीमुळे संगणक प्रणालीने दर्शविलेल्या चुक अथवा बरोबर शब्दांनुसार तयार करण्यात आली होती. परंतु, ज्या उमेदवारांच्या Response Sheet चे मुल्यांकन (Assessment) हे विषय तज्ञांमार्फत करण्यात आले आहे, त्या उमेदवारांचे चुकीचे शब्द व बरोबर शब्द सदर यादीमध्ये तांत्रिक त्रुटीमुळे चुकीचे दर्शविण्यात आले होते. यास्तव सदर माहिती यादी ही रह करण्यात येत असून उमेदवारांनी टंकलेखन कौशल्य चाचणीमध्ये पहिल्या ४०० शब्दांमध्ये किती शब्द चुकीचे टंकलिखित केले आहेत ते शेकडा प्रमाणात (७% व १०%) नमुद करून पात्र व अपात्रता यादी प्रसिध्द करण्यात येत आहे”.

24. The arguments of learned Advocate for Applicants and learned ‘CPO’ were heard at length. We thereupon conclude that most of the facts relating to claims made by Applicant were admitted by both sides. Only two points mainly remained disputed. First was that instead of applying earlier ‘Qualifying Criteria’ of ‘Mistakes Counted as Percentage of ‘Key Depression’ it was vehemently contended on behalf of Applicants that earlier ‘Qualifying Criteria’ came to be subsequently and belatedly changed by ‘MPSC’. The fact about adoption of sharper ‘Qualifying Criteria’ much after ‘Preliminary Examination’ and conduct of ‘Maharashtra Group C Main Examination 2021’ was also not disputed by ‘MPSC’. The issues which therefore are required to be examined in context of claims made by Applicants is whether adoption of sharper ‘Qualifying Criteria’ subsequently by ‘MPSC’ had in any way adversely effected ‘Overall Performance’ of ‘Meritorious Candidates’. Secondly; whether ‘Principle of Equality’ stood violated while making assessment of ‘Meritorious Candidate’ and if Applicants in particular were given any different treatment by ‘MPSC’. The ‘MPSC’ during course of hearing also

informed that they have since prepared 'Select List' of 'Meritorious Candidates' after 'Final Results' came to be declared on 12.07.2023 and 17.08.2023 based on use of sharper 'Qualifying Criteria'. The sole objective of 'MPSC' it was emphasized vigorously in adopting sharper Qualifying Criteria was to ensure selection of 'Best Candidates' for appointment to posts of 'Clerk-cum-Typist' and 'Sales Tax Assistants' through 'Maharashtra Group C Main Examination 2021'. The principal contentions made on behalf of Applicants was that because of disclosure of earlier 'Qualifying Criteria', they had all along concentrated more during the practice sessions on reduction of Mistakes Counted as Percentage of 'Key Depression' rather than focus on achieving higher counts of 'Perfect Typed Words' which formed the basis for assessment of 'Typing Skill Tests' conducted by 'MPSC' on 07.04.2023 and conducted on 31.05.2023.

25. The **Hon'ble Supreme Court of India** in ***Bihar Staff Selection Commission and others Vs. Arun Kumar & others reported in 2020 (6) SCC 362*** in matters of challenges relating to out of conduct of 'Public Examinations' has incisively observed as follows :-

“25. The decision in ***Ram Vijay Singh***, after a review of all previous decisions held as follows :

“32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the

examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination-whether they have passed or not; whether their result will be approved or disapproved by the Court, whether they will get admission in a college or University or not, and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers."

26. The **Hon'ble Supreme Court of India** in **Chandigarh Administration and another Vs. Jasmine Kaur reported in 2014(10) SCC 521**, had also held that candidates who take calculated risk or chance by subjecting himself or herself to the selection process in 'Public Examination' cannot turn around and complain that the process of selection was unfair after knowing of his or her non-selection. Similar view has been reiterated by **Hon'ble Supreme Court of India** in **Pradeep Kumar Rai Vs. Dimesh Kumar Pandey, 2015 (11) SCC 493 and Ashok Kumar Vs. State of Bihar, 2017 (4) SCC 357**.

27. The arguments on behalf of Applicants revolved around the fact that they were disqualified at later stage of 'Typing Skill Test' which was 'Qualifying Test' only due to sudden and belated change of earlier 'Qualifying Criteria and as because were not provided with 'Keyboards' of exact specification which had been disclosed by 'MPSC'. We appreciate the contentions of Applicants, but fact still remains that sharper 'Qualifying Criteria' adopted by 'MPSC' for assessment of 'Typing Skill Test' when initially conducted on 07.04.2024 and then re-conducted on 31.05.2023 was made known to all eligible candidates and hence was equally applicable to each and every candidate including Applicants. The performance of each and every candidate in 'Typing Skill Test' conducted on 07.04.2023 and then re-conducted on 31.05.2023 was assessed by applying identical yardstick of sharper 'Qualifying Criteria' based on achievement of 93% 'Perfect Typed Words' by candidates of 'General Category' and 90% by candidates of 'Reserved Category' for both 'Marathi Typing' and 'English Typing'. All candidates therefore were equally aware

about adoption and use of sharper 'Qualifying Criteria' by 'MPSC' when they initially appeared for typing Skill Test on 07.04.2023 and then re-appeared again on 31.05.2023. Hence, there was no incidence of 'Invidious Discrimination' while doing assessment of performance of all eligible candidates including Applicants who had appeared for Typing Skill Test on 07.04.2023 and then again on 31.05.2023 for both 'Marathi Typing' and 'English Typing'. There could have been some degree of 'Technical Difficulties' experienced by several candidates while appearing for 'Typing Skill Test' initially held on 07.04.2023 as it was strongly argued that 'Keyboards' of 'Remington Typewriters' which were provided by 'MPSC' to candidates for 'Marathi Typing' were not of disclosed specifications and they were also not working smoothly which had led to reduction of speed and drop in accuracy from levels required to expected be reached by candidates while appearing for 'Typing Skill Tests'. However, this is purely an issue of concerned with logistics for conduct of 'Public Examination' and lies completely within domain of 'MPSC'. We are not experts with adequate knowledge about 'Models' or 'Specification' and 'Features' of various 'Keyboards' used in 'Typing Skill Tests' and thus unable to give any opinion about the 'Keyboards' for 'Marathi Typing' and 'English Typing' which were provided by 'MPSC' to eligible candidates including Applicants and as to whether or not their functioning was good at the time when 'Typing Skill Test' was conducted by 'MPSC' on 07.04.2023 and re-conducted on 31.05.2023. However, the fact still remains these were good enough 'Keyboards' which came to be used by 'Meritorious Candidates' when giving the 'Typing Skill Test' just like Applicants especially since it was even re-conducted on 31.05.2023.

28. The limited scope of 'Judicial Review' permits us to only take into consideration whether there were any incidence of violation of 'Principles of Natural Justice' or instance of 'Invidious Discrimination' with respect to Applicants who had appeared for both 'Typing Skill Tests' and competed in all stages of 'Maharashtra Group C Main Examination 2021'. We are of the considered view that during competitive environments

which get generated amongst those seeking 'Public Employment' only few are declared as 'Meritorious Candidates' and placed in 'Select List'; while many others who may not be as successful develop sense of grievance such as the Applicants who are now amongst majority of candidates who did not succeed in 'Maharashtra Group C' Main Examination 2021'. Appreciating these situations which arise during conduct of 'Public Examinations' and against the backdrop of elaborate observations made above and relying on the essence of cited 'Judgments' of 'Hon'ble Supreme Court of India', we opine that challenge of Applicants to 'Final Results' of 'Maharashtra Group C' Main Examination 2021' declared by 'MPSC' on 12.07.2023 & 17.08.2023 fails and thus redressal of grievance of Applicant does not deserve our indulgence. We did not find any merits in the contentions made on behalf of Applicants. Hence, the following Order :-

ORDER

- (A) The Original Application No.460/2023 is Dismissed. Hence, M.A.No.644/2023 also stands dismissed.
- (B) No Order as to Costs.

Sd/-
(Debashish Chakrabarty)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson