

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 1022 OF 2023
WITH
MISCELLANEOUS APPLICATION NO. 83 OF 2025
DISTRICT : NANDED**

Dr.Yogendra Gunvantrao Yeotikar,
Age: 37 years, Occ.: Service as Live
Stock Supervisor,
R/o.Gunvidya Niwas, 110-A,
Ashtavinayak Nagar, Behind Srinivas
Hospital, Canal Road, Nanded

..APPLICANT

V E R S U S

1. The State of Maharashtra,
Through the Secretary for
Ministry of Animal Husbandry
Department, M.S. Mantralaya,
Mumbai-32.
2. The Joint Secretary,
Maharashtra Public Service Commission,
Trishul Gold Field, Plot No.34,
Opp.Sarovar Vihar, Sector-11, CBD,
Belapur, New Mumbai-400614.
3. Dr.Chandrakant S/o.Subhash Avhad
Age: 39 years, Occ.: Service
R/o. Tq.Sakri, Dist. Dhule.
4. The Principal Secretary,
Other backward classes social,
educational backward class
(Vimukt Jaati), Nomadic Tribe and
Special backward Classes Department,
Madam Cama Road, Hutatma Rajguru
Chowk, Mantralay, Mumbai 400 032.

.. RESPONDENTS.

W I T H

**ORIGINAL APPLICATION NO. 20 OF 2024
WITH
MISCELLANEOUS APPLICATION NO. 145 OF 2024
DISTRICT : DHULE**

Dr.Chandrakant S/o.Subhash Avhad
Age: 39 years, Occ.: Service as a LDO,
R/o. C/o.VD Grade-I, Khorl,
Tq.Sakri, Dist. Dhule.

...APPLICANT

V E R S U S

1. The State of Maharashtra,
Through its Secretary,
Animal Husbandry Department,
M.S. Mantralaya, Mumbai-32.
2. The Joint Secretary,
Maharashtra Public Service Commission,
Trishul Gold Field, Plot No.34,
Opp.Sarovar Vihar, Sector-11, CBD,
Belapur, New Mumbai-400614.
3. Dr.Yogendra Gunwantrao Yeotikar
Age: 37 years, Occu.: Service as LSS,
R/o.Gunvidya Niwas, 110-A,
Ashtavinayak Nagar, Behind Srinivas
Hospital, Canal Road, Nanded.

.. RESPONDENTS.

APPEARANCE : Shri B.R. Kedar, learned counsel for the
applicant in O.A. No. 1022/2023.

: Shri H.P. Jadhav, learned counsel for the
applicant in O.A. No. 20/2024.

: Shri Mahesh B. Bharaswadkar, learned Chief
Presenting Officer for the respondent authorities.

**CORAM : HON'BLE JUSTICE V.K. JADHAV, VICE CHAIRMAN
AND
: HON'BLE VINAY KARGAONKAR, MEMBER (A)**

Reserved on : 22.04.2025

Pronounced on : 29.04.2025

ORDER

[Per : Shri Vinay Kargaonkar, Member (A)]

Heard Shri B.R. Kedar, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Both these Original Applications O.A. No. 1022/2023 and O.A. No. 20/2024 are being decided by this common Order as they arise from the same selection process for the post of Assistant Commissioner, Animal Husbandry, Group-A, and involve interconnected issues pertaining to reservation for the NT-D category post and the eligibility criteria thereof.

3. **Brief Facts and Background**

(i) These Original Applications stem from a selection process initiated by the Maharashtra Public Service Commission (MPSC) through Advertisement No. 016/2022 dated 18.02.2022, initially for 38 posts of Assistant Commissioner, Animal Husbandry, Group-A. Subsequently, on 11.05.2022, MPSC issued a corrigendum increasing the number of posts to 56 and introducing reservation of one post for NT-D category, which was not present in the original advertisement.

(ii) In O.A. No. 1022/2023, the applicant Dr. Yogendra Gunvantrao Yeotikar, who belongs to NT-D category and secured 122 marks in the selection process (ranked 53rd in general merit and 2nd among NT-D candidates), challenges his non-recommendation for the NT-D reserved post. Despite acknowledging that he marked himself as "Creamy Layer" in his application and did not upload a Non-Creamy Layer (NCL)

certificate, he contends that after the introduction of NT-D reservation through the corrigendum, he should have been permitted to update his application and submit an NCL certificate based on his parents' income rather than his own.

(iii) In O.A. No. 20/2024, the applicant Dr. Chandrakant S/o Subhash Avhad, who also belongs to NT-D category and secured 116 marks (ranked 80th in general merit), challenges the action of MPSC in keeping the result for NT-D category post reserved pursuant to the interim order dated 04.12.2023 passed in O.A. No. 1022/2023. He claims to have applied from NT-D category with a valid NCL certificate and paid the fees applicable for reserved category candidates, asserting that he is the highest-ranked eligible candidate for the NT-D reserved post.

(iv) The purpose of filing these applications is to seek judicial determination on the eligibility criteria for the NT-D reserved post and to resolve competing claims to the sole post reserved for NT-D category in the selection process.

4. Pleadings and Arguments in O.A. No. 1022/2023 and O.A. No. 20/2024

PLEADINGS AND ARGUMENTS OF THE APPLICANT IN O.A. NO. 1022/2023 (DR. YOGENDRA GUNVANTRAO YEOTIKAR)

The applicant, Dr. Yogendra Gunvantrao Yeotikar, has approached this Tribunal challenging the selection process in Advertisement No. 016/2022 for the post of Assistant Commissioner, Animal Husbandry, Group-A. The applicant contends that he belongs to Vanjari NT-D category, has completed his Master of Veterinary Science degree with merit, and has been serving in the Animal Husbandry Department for more than 10 years, initially as a

Livestock Supervisor since 2013 and subsequently as a Livestock Development Officer.

5. The crux of the applicant's case revolves around the following facts and submissions:

1. The Maharashtra Public Service Commission (MPSC) initially published Advertisement No. 016/2022 on 18.02.2022 for filling 38 posts of Assistant Commissioner, Animal Husbandry, Group-A. Significantly, no post was reserved for NT-D category in this initial advertisement. The application period was from 21.02.2022 to 21.03.2022.
2. The applicant, being a serving Livestock Development Officer with an annual income exceeding the non-creamy layer (NCL) limit of Rs. 8 lakhs, filled his online application on 18.03.2022, mentioning his caste as NT-D but marking himself as "Creamy Layer" since there was no reserved post for NT-D category at that time.
3. Subsequently, on 11.05.2022, the MPSC issued a corrigendum increasing the number of posts from 38 to 56 and introduced reservation for one post for NT-D category. The corrigendum extended the application period for new applicants from 12.05.2022 to 01.06.2022 but crucially stated that candidates who had already submitted applications need not apply again.
4. The applicant contends that after the introduction of the NT-D reserved post through the corrigendum, he should have been given an opportunity to revise his application to claim the benefit of reservation, including the opportunity to provide his NCL certificate based on his parents' income rather than his own, as permitted under Government Resolution dated 25.03.2013.
5. The applicant participated in the examination held on 26.12.2022 and secured 122 marks, standing at Serial No. 53 in the general merit list published on 24.11.2023 and at Serial No. 2 among NT-D category candidates.
6. The applicant submits that other candidates of NT-D category (except the candidate at Serial No. 69) have shown themselves as non-creamy layer by either submitting false NCL certificates or by submitting NCL certificates of their parents without

including their own income, despite being in government service with similar income levels.

7. The applicant argues that since only one post is reserved for NT-D category, and the candidate at Serial No. 18 from NT-D category would be considered under Open merit, the applicant, being second in merit among NT-D candidates, is entitled to be appointed against the post reserved for NT-D category.
6. The applicant has raised the following grounds for challenging the selection process:

- i) The corrigendum dated 11.05.2022, which added posts and introduced NT-D reservation without allowing candidates who had already applied to update their application details, is arbitrary and prejudicial to candidates like the applicant.

- ii) Had the MPSC properly informed about the NT-D reservation and the eligibility criteria for NCL certificates in the original advertisement or allowed updating of applications after the corrigendum, the applicant would have declared himself as non-creamy layer based on his parents' income, which was below the prescribed limit.

- iii) The MPSC's failure to provide clarity on reservation details in the original advertisement and subsequently preventing candidates from updating their applications after the corrigendum has deprived meritorious candidates like the applicant from availing the benefits of reservation.

- iv) The Government Resolution dated 25.03.2013, which allows consideration of only parents' income for NCL certificate without considering the candidate's own income, is being incorrectly applied by other candidates who have similar income levels as the applicant but have still claimed NCL status.

- v) When no post was reserved for NT-D category in the original advertisement, candidates did not have any incentive to obtain and upload NCL certificates. Therefore, after reservation was introduced through the corrigendum, candidates should have been given the opportunity to provide the necessary documentation.

- vi) The principles of equality and fair opportunity would be served by either allowing the applicant to submit his NCL

certificate based on his parents' income at this stage or by ensuring that no candidate with income above Rs. 8 lakhs is considered for the reserved post.

7. The applicant has sought the following reliefs:

a) Direction to the respondents to consider his claim for NT-D reserved category based on his merit in the general list by allowing him to submit additional information and documents regarding his non-creamy layer status based on his parents' income.

b) Alternatively, quashing of the entire selection process and direction to issue a fresh advertisement with detailed information.

c) Interim relief restraining the respondents from filling the post reserved for NT-D category pending the disposal of the application.

8. PLEADINGS AND ARGUMENTS OF THE APPLICANT IN O.A. NO. 20/2024 (DR. CHANDRAKANT S/O SUBHASH AVHAD)

The applicant, Dr. Chandrakant S/o Subhash Avhad, has filed this Original Application challenging the action of MPSC in reserving the result for NT-D category in compliance with the interim order dated 04.12.2023 passed by this Tribunal in O.A. No. 1022/2023. The applicant is directly affected by the said interim order since he claims to be the eligible candidate for selection against the sole post reserved for NT-D category.

9. The applicant's case rests on the following facts and contentions:

1. The applicant is 39 years old, working as a Livestock Development Officer (LDO), and belongs to NT-D category. He possesses the requisite educational qualification of MVSc (Medicine) and applied for the post of Assistant Commissioner, Animal Husbandry in response to Advertisement No. 16/2022.
2. The applicant claims that he applied for the post from NT-D category, uploaded a valid NCL certificate, and paid the fees applicable for reserved category candidates (Rs. 449/- instead of Rs. 719/- for open category).
3. The applicant secured 116 marks in the selection process and was placed at Serial No. 80 in the general merit list. He claims to be the candidate with the highest marks among NT-D

category candidates who had submitted valid NCL certificates at the time of application.

4. The MPSC published a merit list on 27.12.2023, wherein the respondent No. 3 in this application (Dr. Yogendra Gunvantrao Yeotikar, who is the applicant in O.A. No. 1022/2023) was shown at Serial No. 53 in general merit, having applied from NT-D category but the valid category was mentioned as "Open" with a specific notation that NCL certificate was not uploaded.
5. Due to the interim order dated 04.12.2023 passed by this Tribunal in O.A. No. 1022/2023, the MPSC has kept the result for NT-D category reserved, thereby affecting the applicant's right to be recommended for appointment.
6. The applicant contends that the interim order in O.A. No. 1022/2023 was obtained ex-parte by misleading the Tribunal and by suppressing material facts. The applicant argues that as per the provisions of the Government Resolutions, MPSC guidelines, and conditions in the advertisement, a candidate who does not upload NCL certificate at the time of application cannot claim the benefit of reservation.
7. The applicant submits that he has valid caste certificate, validity certificate, and NCL certificate, which he duly uploaded at the time of submitting his application. He paid the fees applicable for reserved category candidates and was called for interview on 09.10.2023.
10. The applicant raises the following grounds:
 - i) The respondent No. 3 (applicant in O.A. No. 1022/2023) specifically mentioned in his application form that he does not belong to non-creamy layer, did not upload NCL certificate, and paid fees for open category (Rs. 719/-). As per the conditions in the advertisement and MPSC guidelines, he is not eligible to be considered for the reserved post.
 - ii) Clause 5.9 of the advertisement specifically required updated NCL certificates for the year 2021-22 to be uploaded by the last date of filing the application. Clause 5.13 required candidates claiming reservation to have valid certificates on the date of filing the application.
 - iii) As per MPSC guidelines, under clause 1.2.5.7, the claims made at the time of application (including caste, NCL status, etc.) are treated as final and cannot be changed for the main examination/interview.

iv) Clause 3.2.3 of the MPSC guidelines explicitly states that for claiming reservation, valid documents/certificates must be uploaded, failing which the claim will not be considered.

v) The applicant relies on judgments of the Hon'ble High Court in Writ Petition No. 2718/2008 and Writ Petition No. 5294/2019, where the Court has held that claiming benefits of reservation without having the requisite certificates at the time of application is impermissible.

11. The applicant seeks the following reliefs:

a) Quashing of the publication letter dated 27.12.2023 issued by MPSC with directions to include the applicant's name in the list of recommended candidates as per merit from NT-D category.

b) Directions to issue appointment order in favour of the applicant from NT-D category as per provisions of law.

c) Staying the impugned publication letter dated 27.12.2023 pending the hearing and final disposal of the application.

12. ARGUMENTS AND REPLY OF RESPONDENT NO. 2 (MPSC) IN BOTH APPLICATIONS

The Maharashtra Public Service Commission (MPSC), represented by its Under Secretary, has filed detailed affidavits-in-reply in both Original Applications, opposing the reliefs sought and defending the selection process.

13. In response to O.A. No. 1022/2023, the MPSC has submitted:

1. The MPSC is a constitutional authority under Article 315 of the Constitution of India, having the power to adopt suitable procedures for recruitment. It follows the Rules of Procedure of the Commission, which are notified in the Government of Maharashtra gazette.
2. The MPSC's role is limited to recommending candidates for appointment to posts as per requisitions received from government departments. It strictly follows the Recruitment Rules applicable to the concerned posts.

3. The Commission received a requisition from the Government of Maharashtra for 56 posts of Assistant Commissioner, Animal Husbandry, Group-A. It published Advertisement No. 16/2022 on 18.02.2022, followed by a corrigendum dated 11.05.2022 increasing the posts from 38 to 56 and reserving one post for NT-D category.
4. The selection procedure involved a screening test held on 26.12.2022, followed by interviews between 18.10.2023 to 20.10.2023 and on 02.11.2023 to 03.11.2023. A provisional merit list was published on 24.11.2023, and the final merit list of 245 candidates was published on 27.12.2023.
5. Following the interim order dated 04.12.2023 in O.A. No. 1022/2023, the MPSC kept the result for one post of NT-D category reserved, which was communicated through the declaration letter dated 27.12.2023 and in the recommendation letter dated 04.01.2024 to the government.
6. Dr. Yogendra Yeotikar (applicant in O.A. No. 1022/2023) had submitted his online application claiming NT-D category but answered "No" to the question "Do you belong to the non-creamy layer?" This indicated that he was claiming an Unreserved (General) seat. He secured 122 marks (95 in screening test and 27 in interview) and was ranked at Serial No. 53 in the general merit list.
7. The MPSC relies on clause 1.2.5.7 of the 'General Instructions to candidates' dated 15.05.2021, which states that claims made in the application (including caste, non-creamy layer status, etc.) are treated as final and cannot be changed for the main examination/interview.
8. To claim reservation for a post reserved for NT-D (General) category, it is a prerequisite to submit an NCL certificate. Though the applicant claimed NT-D category, he never claimed nor produced an NCL certificate at any stage of the recruitment process.
9. The MPSC also cites clause 1.4.1 of the General Instructions, which places the responsibility on candidates to be aware of all relevant Government Resolutions regarding their claims.
10. Regarding the validity or correctness of NCL certificates of other candidates, the MPSC submits that it does not have the

authority, power, or jurisdiction to verify the validity/correctness of certificates produced by candidates. It accepts certificates at face value if issued by the appropriate authority.

11. The MPSC has completed the recruitment process by forwarding the recommendation letter dated 04.01.2024 to the government, and therefore the prayer to issue a fresh advertisement is not acceptable.

14. In response to O.A. No. 20/2024, the MPSC has submitted:

1. The MPSC reiterates its role and procedures as stated in its reply to O.A. No. 1022/2023.
2. Dr. Chandrakant Avhad (applicant in O.A. No. 20/2024) applied for Advertisement No. 16/2022 from NT-D category, claimed NCL status, secured 90 marks in the screening test, and 26 marks in the interview, being placed at Serial No. 80 in the merit list.
3. Following the interim order in O.A. No. 1022/2023, the MPSC kept one post of NT-D-General reserved, which was communicated in the declaration letter dated 27.12.2023 and in the recommendation letter dated 04.01.2024.
4. The MPSC has followed a fair, legal, and transparent selection procedure, applied uniformly to all candidates.
5. The Commission will decide about the recommendation for the NT-D category post after considering the final order in O.A. No. 1022/2023.

15. **ARGUMENTS AND REPLY OF RESPONDENT NO. 1 (STATE OF MAHARASHTRA) IN BOTH APPLICATIONS**

16. The State of Maharashtra, through its authorized representatives, has filed affidavits-in-reply in both Original Applications.

17. In O.A. No. 20/2024, the State through Dr. Prashant Chaudhari, Regional Joint Commissioner, Animal Husbandry, submits:

1. The contentions in paragraphs 1 to 5 of the Original Application are legal submissions and procedural in nature, requiring no comments.
2. The contentions in paragraphs 6(3) to 6(15) relate to MPSC (Respondent No. 2) and therefore require no comments from the State.
3. The State will issue orders to candidates recommended by MPSC (Respondent No. 2).
4. Given the facts and circumstances, there is no merit in the Original Application, which deserves to be dismissed with costs.

18. In O.A. No. 1022/2023, the State through Dr. Ramaswami N., Secretary, Department of Agriculture, Animal Husbandry, Dairy Development and Fisheries, has filed an additional affidavit regarding the status of NCL certificates:

1. Following the Tribunal's order dated 31.01.2025 seeking clarification on the validity of NCL certificates submitted by high-income candidates working as Livestock Development Officers, the State submits that MPSC had recommended 53 candidates on 04.01.2024 for the post of Assistant Commissioner Animal Husbandry.
2. The Commissioner of Animal Husbandry was authorized to conduct document verification, including verification of caste validity claims, NCL certificates, etc.
3. As per Government Resolution dated 28.08.2017, temporary appointment letters should be issued within 3 months of receiving the selection list. The State has appointed 52 recommended candidates on a temporary basis, subject to verification of their NCL certificates.
4. Out of 53 recommended candidates, the NCL certificate condition applied to 7 candidates, 6 of whom were working as Livestock Development Officers in the Animal Husbandry Department.
5. The issuance of NCL certificates falls under the purview of the Social Justice and Special Assistance Department (now Other Backward Class Welfare Department). The procedure for

issuing and verifying NCL certificates is prescribed in the circular dated 25.03.2013 and Government Resolution dated 31.01.2020.

6. The State has referred the matter to the Social Justice and Special Assistance Department (Other Backward Class Welfare Department) for opinion, as it does not have the authority to decide on NCL certificates.

**19. ARGUMENTS AND REPLY OF DR. CHANDRAKANT AVHAD
(RESPONDENT NO. 3 IN O.A. NO. 1022/2023)**

Dr. Chandrakant Avhad, who is the applicant in O.A. No. 20/2024 and Respondent No. 3 in O.A. No. 1022/2023, has filed an affidavit-in-reply opposing the reliefs claimed by Dr. Yogendra Yeotikar:

1. He has filed MA No. 145/2024 for vacating the interim relief and O.A. No. 20/2024. His Miscellaneous Application for adding party has been allowed, making him a party respondent in O.A. No. 1022/2023.
2. He reiterates the arguments made in his Original Application (O.A. No. 20/2024) regarding his eligibility for the NT-D reserved post and the ineligibility of Dr. Yogendra Yeotikar due to non-submission of NCL certificate.
3. He emphasizes that Dr. Yogendra Yeotikar specifically mentioned in his application that he does not belong to non-creamy layer, did not upload NCL certificate, and paid fees for open category.
4. He relies on various clauses of the advertisement and MPSC guidelines to argue that candidates claiming reservation must upload valid certificates at the time of application.
5. He submits that the interim order in O.A. No. 1022/2023 was obtained ex-parte by misleading the Tribunal and has directly affected his rights as an eligible candidate for the NT-D reserved post.
6. He contends that Dr. Yogendra Yeotikar has no right to challenge the legality, validity, or correctness of his NCL certificate and prays for dismissal of O.A. No. 1022/2023 with costs.

**20. ARGUMENTS AND REPLY OF DR. YOGENDRA YEOTIKAR
(RESPONDENT NO. 3 IN O.A. NO. 20/2024)**

Dr. Yogendra Yeotikar, who is the applicant in O.A. No. 1022/2023 and Respondent No. 3 in O.A. No. 20/2024, has filed an affidavit-in-reply opposing the reliefs claimed by Dr. Chandrakant Avhad:

1. He submits that Dr. Chandrakant Avhad, being at Serial No. 4 in NT-D category merit, is not directly affected by the interim order as there are three candidates above him in merit from NT-D category.
2. Before Dr. Chandrakant Avhad, the merit list shows: Mr. Mundhe Upendra at Serial No. 18 in general merit (Serial No. 1 in NT-D), the respondent (Dr. Yogendra Yeotikar) at Serial No. 53 in general merit (Serial No. 2 in NT-D), and Musale Vasuda at Serial No. 69 in general merit (Serial No. 3 in NT-D).
3. He argues that even if his claim is not considered, Vasuda Musale (a woman candidate) would be the eligible candidate for the NT-D reserved post as per Government Resolution dated 04.05.2023, which exempts women candidates from submitting NCL certificates.
4. He contends that Dr. Chandrakant Avhad has submitted a false NCL certificate by hiding his income beyond Rs. 8 lakhs per year, which should disqualify him from the selection process.
5. He asserts that there was no post reserved for NT-D category in the original advertisement, which is why he and other candidates did not submit NCL certificates. The corrigendum dated 11.05.2022 prohibited candidates who had already applied from submitting fresh applications with updated information.
6. He has caste validity and NCL certificates of his father, and his father's income is much below the creamy layer limit. He argues that he should be permitted to submit these documents now to claim the benefit of reservation.
7. He submits that Dr. Chandrakant Avhad has already filed an intervention application in O.A. No. 1022/2023, and therefore filing a separate O.A. No. 20/2024 amounts to multiplicity of litigation.

21. FINDINGS AND REASONING OF THE TRIBUNAL

Both these Original Applications revolve around the selection process conducted by the Maharashtra Public Service Commission (MPSC) for the post of Assistant Commissioner, Animal Husbandry, Group-A pursuant to Advertisement No. 016/2022. Since the issues raised are interconnected, we are disposing of both applications by this common order.

22. The primary issues that arise for consideration are:

1. Whether the applicant in O.A. No. 1022/2023 (Dr. Yogendra Gunvantrao Yeotikar) is entitled to be considered for the post reserved for NT-D category despite not having uploaded a Non-Creamy Layer (NCL) certificate at the time of application?
2. Whether the corrigendum dated 11.05.2022 to Advertisement No. 016/2022 was arbitrary in not allowing candidates who had already applied to update their applications to claim reservation benefits?
3. Whether the applicant in O.A. No. 20/2024 (Dr. Chandrakant S/o Subhash Avhad) is entitled to be recommended for appointment against the post reserved for NT-D category?

23. **Issue No. 1: Eligibility of Dr. Yogendra Gunvantrao Yeotikar for NT-D reserved post.**

(i) The applicant in O.A. No. 1022/2023 admittedly belongs to Vanjari NT-D category but has explicitly stated "No" to the question "Do you belong to the non-creamy layer?" in his online application form submitted on 18.03.2022. It is also not disputed that he paid the application fee of Rs. 719/- applicable for Open category candidates rather than Rs. 449/- prescribed for reserved category candidates. Furthermore, he did not upload any NCL certificate with his application.

(ii) The applicant's primary contention is that since there was no post reserved for NT-D category in the original advertisement dated 18.02.2022, he had no incentive to obtain and upload an NCL certificate. He further contends that after

the corrigendum dated 11.05.2022 introduced one post reserved for NT-D category, he should have been given an opportunity to update his application and submit the NCL certificate.

(iii) After perusing the relevant provisions of the advertisement and the MPSC's General Instructions to candidates, we find that:

(iv) Clause 5.9 of the advertisement explicitly required updated NCL/EWS certificates issued by competent authority for the year 2021-22 to be uploaded by the last date of filing the application.

(v) Clause 5.13 stipulated that candidates claiming vertical or horizontal reservation must possess valid certificates on the date of filing the application.

(vi) Clause 1.2.5.7 of the MPSC's General Instructions clearly states that claims made in the application (including caste category, non-creamy layer status, etc.) are treated as final and cannot be changed for the main examination/interview.

(vii) Clause 3.2.3 of the MPSC guidelines explicitly states that for claiming reservation, valid documents/certificates must be uploaded, failing which the claim will not be considered.

(viii) It is a well-established principle of law that candidates must strictly adhere to the conditions stipulated in the advertisement, which constitutes the law governing the selection process. The Hon'ble Supreme Court in *Bedanga Talukdar v. Saifudaullah Khan & Ors.* (2011) 12 SCC 85 has held that the conditions prescribed in an advertisement must be strictly adhered to and there can be no relaxation unless the

advertisement itself contains a specific provision for relaxation in appropriate cases.

(ix) The applicant's contention that he was prevented from submitting a fresh application after the corrigendum is not supported by the record. A careful reading of Clause 2 of the corrigendum dated 11.05.2022 reveals that it specifically provided an opportunity to candidates to apply in accordance with the changes in the number of seats and reservation. The relevant portion reads:

"Due to increase in the number of posts and change in reservation, qualified candidates who wish to apply for these posts are hereby informed that they can submit their application..."

(x) This clearly demonstrates that the applicant had the opportunity to submit a fresh application claiming reservation benefits after the corrigendum was issued. Nothing prevented the applicant from obtaining an NCL certificate and applying afresh for the post reserved for NT-D category. The applicant's failure to avail of this opportunity cannot be attributed to any deficiency in the selection process.

(xi) Furthermore, the applicant's argument that he should be allowed to submit an NCL certificate based on his parents' income at this stage cannot be accepted. The Government Resolution dated 25.03.2013 regarding the procedure for issuing NCL certificates was in existence much before the advertisement was issued. The applicant, being a government servant, is expected to be aware of the relevant government policies, especially those concerning reservation benefits. The plea of ignorance of law cannot be a ground for granting relief, as has been consistently held by the Hon'ble Supreme Court.

(xii) In *Ashok Kumar Sonkar v. Union of India & Ors.* (2007) 4 SCC 54, the Hon'ble Supreme Court has categorically held that a candidate seeking reservation benefits must possess the requisite certificates on the crucial date specified in the advertisement. Subsequent procurement of such certificates cannot entitle the candidate to claim benefits retrospectively.

24. Issue No. 2: Validity of the corrigendum dated 11.05.2022

(i) The applicant in O.A. No. 1022/2023 has challenged the corrigendum dated 11.05.2022 on the ground that it did not allow candidates who had already applied to update their applications to claim reservation benefits.

(ii) As already discussed above, Clause 2 of the corrigendum provided an opportunity to candidates to apply afresh in view of the changes in the number of posts and reservation. Clause 3 of the corrigendum, which stated that candidates who had already submitted applications need not submit fresh applications, was merely clarificatory in nature and did not prohibit candidates from submitting fresh applications if they wished to avail of the newly introduced reservation benefits.

(iii) The Hon'ble Supreme Court in *Union of India & Ors. v. S. Vinodh Kumar & Ors.* (2007) 8 SCC 100 has held that administrative authorities have the discretion to prescribe the procedure for selection, and courts should not interfere with such discretion unless it is shown to be arbitrary, unreasonable, or in violation of Article 14 of the Constitution.

(iv) In the present case, we do not find the procedure prescribed in the corrigendum to be arbitrary or unreasonable. On the contrary, it provided a fair opportunity to all qualified candidates to apply for the increased number of posts with revised reservation.

25. Issue No. 3: Eligibility of Dr. Chandrakant S/o Subhash Avhad for NT-D reserved post

(a) The applicant in O.A. No. 20/2024 claims that he applied for the post from NT-D category, uploaded a valid NCL certificate, and paid the fees applicable for reserved category candidates. He secured 116 marks and was placed at Serial No. 80 in the general merit list.

(b) However, as pointed out by Dr. Yogendra Yeotikar (Respondent No. 3 in O.A. No. 20/2024), there are three candidates above Dr. Chandrakant Avhad in merit from NT-D category: Mr. Mundhe Upendra at Serial No. 18 in general merit (Serial No. 1 in NT-D), Dr. Yogendra Yeotikar at Serial No. 53 in general merit (Serial No. 2 in NT-D), and Musale Vasuda at Serial No. 69 in general merit (Serial No. 3 in NT-D).

(c) Even if Dr. Yogendra Yeotikar's claim is not considered due to the absence of an NCL certificate, Musale Vasuda, being a woman candidate, would still be ahead of Dr. Chandrakant Avhad in merit for the NT-D reserved post. As per Government Resolution dated 04.05.2023, women candidates are exempted from submitting NCL certificates.

(d) Given these circumstances, we cannot conclusively hold that Dr. Chandrakant Avhad is entitled to be recommended for appointment against the post reserved for NT-D category. The final decision on this matter must await the proper verification of NCL certificates of all relevant candidates by the competent authorities.

26. Additional Observations

We deem it necessary to make some additional observations regarding the broader issues raised in these applications:

1. It is a settled legal position that the conditions stipulated in an advertisement for recruitment must be strictly adhered to, and candidates must possess the requisite qualifications and certificates as on the date specified in the advertisement. The Hon'ble Supreme Court has consistently held this view in numerous judgments.
2. The determination of NCL status based on parents' income rather than the candidate's own income is a policy decision of the Government of Maharashtra as per the Government Resolution dated 25.03.2013. This policy was well-established and known to all candidates at the time of applying for the post. The applicant in O.A. No. 1022/2023, being a government servant, cannot plead ignorance of this policy.
3. The procedures established by the MPSC for conducting the selection process, including the requirement of uploading relevant certificates at the time of application, are reasonable and in line with the principles of fairness and transparency. These procedures ensure that all candidates are treated equally and prevent manipulation of the selection process at later stages.
4. While the Tribunal sympathizes with the predicament of Dr. Yogendra Yeotikar, who secured higher marks than Dr. Chandrakant Avhad, legal relief cannot be granted merely on the ground of sympathy when there is a clear violation of the prescribed procedure. Sympathy or compassion alone cannot be a ground for passing orders when the law requires otherwise.

27. **CONCLUSION**

(i) In view of the foregoing discussion and findings, we are of the considered opinion that neither of the applicants has made out a case for the reliefs sought in their respective Original Applications.

(ii) The applicant in O.A. No. 1022/2023 (Dr. Yogendra Gunvantrao Yeotikar) failed to comply with the mandatory requirement of uploading an NCL certificate at the time of application and explicitly declared himself as not belonging to non-creamy layer. Therefore, he cannot now claim the benefit of reservation for the NT-D category post.

(iii) The applicant in O.A. No. 20/2024 (Dr. Chandrakant S/o Subhash Avhad) is not the highest ranked candidate among NT-D category candidates who have valid NCL certificates.

(iv) For the reasons stated above, both the Original Applications are dismissed.

(v) The interim order dated 04.12.2023 in O.A. No. 1022/2023 is vacated.

(vi) The MPSC (Respondent No. 2) is directed to proceed with the selection process for the post reserved for NT-D category in accordance with the merit list and applicable rules.

(vii) Since both O.A. Nos. 1022/2023 & 20/2024 stand disposed of today, nothing survives in both the Misc. Application Nos. 83/2025 and 145/2024 and same also stand disposed of.

(viii) In the facts and circumstances of the case, there shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

PLACE : AURANGABAD

DATE : 29.04.2025

JUDGMENT IN O.A. NO. 1022-2023-selection process-HDD-2025