

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 974 OF 2024

DISTRICT : THANE

Shri Yogesh Sahebrao Gawali,)
R/o: Mauli Kripa House No. 55,)
Lane No. 7, Canal Road,)
Karvenagar,)
Pune 411 052.)...**Applicants**

Versus

1. The Secretary,)
Maharashtra Public Service)
Commission)
Trishul Gold Field, Plot No. 34,)
Sector 1, Opp. Sarovar Vihar,)
Belapur CBD, Navi Mumbai 400614.)
2. The Secretary,)
General Administration Department,)
Mantralaya, Mumbai 400 032.)...**Respondents**

Smt Punam Mahajan, learned for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)
Shri Debashish Chakrabarty (Vice-Chairman)

DATE : 24.09.2024

J U D G M E N T

1. The Applicant prays that the impugned list of Qualified Candidates declared on 16.7.2024 by which Respondent No. 1 has held the Applicant not eligible for the Interview be quashed and set aside. It is specifically prayed that the Respondent be directed to allow the Applicant to correct his mistake by inserting the 'Question Booklet Series Code 'D' instead of 'B' and to re-evaluate 'General Studies-II (032) Paper of Applicant with the correct 'Question Booklet Series Code 'D' as indicated by the Invigilator and accordingly to revise the Applicant's Total Marks.

2. The Applicant cleared the 'Preliminary Examination' and then appeared for the 'State Services Main Examination-2023', which was conducted by MPSC on 20th, 21st & 22nd January, 2024. The result of the State Services Main Examination was declared on 16.7.2024 and the name of the Applicant did not figure in the list of 'Qualified Candidates'. Though the Applicant was given Question Booklet Series Code 'D' and he was expected to mention 'D' and also to blacken the Circle showing Option 'D', he instead wrote Question Booklet Series Code 'B' and also blackened the Option 'B'. Therefore, his 'Answer Keys' were assessed and accepted by the Computerized System as 'Answer Sheet' for Question Booklet Series Code 'B' instead of that for Question Booklet Series Code 'D' and this resulted in the Applicant securing only 10 marks in the said General Studies-II (032) Paper.

3. Learned Counsel submitted that the Applicant had submitted representations to M.P.S.C on 28.2.2024, 29.2.2024 and 7.3.2024 to consider the case of the Applicant on compassionate grounds. However, as the Applicant did not get any

satisfactory answer, he then approached this Tribunal by filing the present Original Application on 8.8.2024.

4. Admittedly, the Applicant has committed mistake in writing Question Booklet Series Code 'B' instead of 'D' and also blackening the Circle 'B' instead of 'D'. Learned counsel for Applicant has relied on the Judgment of this Tribunal dated 13.5.2024 in O.A 473/2024, Smt Komal S. Bhopale Vs. Secretary, M.P.S.C and the observations made therein about possibility of 'Human Error' being committed by the candidates appearing for such Public Examinations and which can be condonable. Learned Counsel also relied on the Judgment of this Tribunal dated 22.5.2024 in O.A 354/2024, S.D Nagargoje Vs. The State of Maharashtra, in similar matter wherein the Applicant appearing for the examination to the post of 'PSI' has wrongly mentioned Question Booklet Series Code 'A' instead of 'B'. The Tribunal has allowed correction of the said mistake by Applicant.

5. Learned C.P.O while opposing this Original Application has submitted that Applicant not only wrote wrong Question Booklet Series Code 'B', but has also wrongly darkened the Circle 'B' instead of 'D'.

6. Learned C.P.O further submitted that Applicant should have been fully alert about the instructions given by the MPSC candidates when he appeared for the 'State Services Main Examination-2023'. She submitted that the post for which the Applicant appeared in the State Services Main Examination-2023s are important and these candidates are not expected to make such mistakes.

7. Learned C.P.O relied on the instructions dated 28.7.2022 given for the Assessment/Evaluation of 'Objective Type Question Papers'. She pointed out that MPSC has considered the various possibilities of such mistakes have either by the Candidates or Invigilators or Supervisors at the time of such Public Examinations especially when their pattern is Objective Type Question Papers. She further submitted that if at all there is a discrepancy in the Code Number of that particular Question Booklet Series and blackening the said Circle indicating the said Code Number, then as per these directions, such Answer Sheet is not to be evaluated by MPSC.

8. Learned C.P.O further submitted that the entire evaluation process is through Computerized System with a view to done away with human interference and provide objectivity and transparency to conduct Public Examinations by MPSC.

9. On hearing the submissions made by the Learned Counsel and the perusal of record and especially the directions given by MPSC on 29.7.2022 to Candidates, we found the possibilities of committing such types of errors is not contemplated under these exhaustive directions issued on 29.7.2022 by MPSC. Therefore, when any candidate has written wrong Code Number of Question Booklet Series and also wrongly darkened the Circle 'D', in the Answer Sheet but had answered some other Question Paper Series having different Code Number then obviously such 'Answer Keys' will not match when evaluated by 'Computerized Systems' and having different Code Number.

10. In the present case the Applicant wrote Code Number 'B', but the correct Code Number was 'D'. Therefore, Answer Sheet Paper was not evaluated correctly as per Answer Keys of Code

Number 'D'. It is an error committed 'ex-facie' on record and admitted by the Applicant. However, because of this error the Applicant has approached the Tribunal to redress his grievance by allowing to insert the 'Question Booklet Series Code 'D' instead of 'B' and to re-evaluate 'General Studies-II (032) Paper of Applicant.

11. We are informed that the State Services Main Examination was held between 20.01.2022 to 22.01.2024. The Original Application is filed on 06.08.2024. However, Applicant had written letters to MPSC on 28.2.2024, 29.2.2024 and 7.3.2024 informing about the mistake committed by the Applicant and allowing him to correct the same. M.P.S.C did not respond to either of these letters of Applicant. Therefore, it cannot be said that Applicant remained quite without taking any correctional measures from his side. The result of the State Services Main Examination was declared on 16.7.2024

12. During the course of arguments, we also found that it was necessary to peruse the Duties or Instructions given by MPSC to the Supervisors and Invigilators. Learned C.P.O produced the copy of the directions given to Supervisors and Invigilators by MPSC. There are set of general directions given to Supervisors and Invigilators and specific work to be done before entry is given to Candidates in Examination Hall. What work is to be done during Conducting the Examination like Identification of Code Number, Distribution of Question Papers, Collection of Answer Sheet etc., and included in the directions of MPSC to Supervisors & Invigilators. We came across Clause 2.7.8 which is pertinent and applicable to the present type of case, which is reproduced below:-

“२.७.८ उत्तरपुस्तिकेवर उमेदवारांनी भरलेली माहिती जसे परीक्षेचे नांव, बैठक क्रमांक तसेच उमेदवाराची स्वाक्षरी अचुकपणे असल्याची खात्री केल्यानंतरच समवेक्षकाने स्वतःची स्वाक्षरी करावयाची आहे.”

13. It states about the duty of the Invigilators that he should Sign the Answer Sheet after ascertaining that the information given on the Answer Sheet, i.e., correctness of Name of Examination, Seat Number of Candidates and the correctness of the Signature of the Candidates. The Code Number of the Question Booklet Series provides identification about the Objective Type Question Paper answered by Applicant. In the present case the Invigilator has mentioned correct Code Number 'D' for Question Booklet Paper Series 'D' and also correctly darkened the Circle for Option 'D' by personally verifying them when Applicant answered them. Thus, the Invigilator has written correct Code Number 'D' based on the Question Booklet Series Code 'D', which is obviously different from Code Number 'B' which was wrongly written by the Applicant. Thus, while writing Code Number 'D', it was expected that Invigilator would notice the mistake of the Candidate in writing Code Number 'B' of the Answer Sheet and also wrongly darkening Circle 'B'. The Applicant has filed the Original Application on 08.08.2024 and the Interviews have started and the last date is 26.9.2024. Thus, we are of the view that the application is within time and therefore, we pass the following order.

14. The Original Application is allowed with following directions:-

- (a) We direct the M.P.S.C to accept the Answer Paper of the subject General Studies-II (032) as the Answer Paper written against Code 'D' and not Code 'B'. It is to be assessed against the Question Booklet Series Code 'D'.
- (b) M.P.S.C is further directed to reevaluate the Applicant's General Studies-II (032) paper with correct Question Booklet Series Code 'D' instead of Series Code 'B' and if the Applicant is found meritorious, then he is to be called for interview

which is going to take place on 25.9.2024 or 26.0.2024 by informing the Applicant by email or SMS with sufficient time.

- (c) If clears the written examination, his Medical Examination is to be conducted after the Interview.

Sd/-
(Debashish Chakrabarty)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 24.09.2024
Dictation taken by : A.K. Nair.