IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

ORIGINAL APPLICATION NO.732 OF 2023

DISTRICT: PUNE
Sub.:- Selection

l) Mahendra Rajesh Sadawarte)
Age-:30)
Occupation-: Student)
Address-: Dwarakapuri Osmanpura)
Dist: Aurangabad)
Roll No: PN087178)
Post Eligible For-: ARTO-Gr.A)
Email ID-: mahendrasadawarte111@gmail.com)))))))
Contact No: 9028402000)
2) Pravin Balasaheb Lamkhade)
Age-:30)
Occupation-: Student)
Address-: Nighoj Taluka PARNER)
Dist Ahmednagar 414306)
Roll No: PN054257)
Post Eligible For-: MFAS-Gr.A & B)))))))))
Email ID-: <u>pravin9505@gmail.com</u>)
Contact No: 9860927212)
3) Akshay Ramkrishna Fulekar)
Age-:26)
Occupation-: Student)
Address-: Plot no184, Samta Nagar,)
phase-1,Mendha road,)
Dist: Bhandara)
Roll No: BH003104)
Post Eligible For-: ARTO-Gr.A)
Email ID-: <u>arfulekar786@gmail.com</u>)
Contact No: 7038057134)
4) Shubham Avinash Salvi)
Age-:28)

Occupation-: Student Address-: Bhairavnath heights flat number 112 mangdewadi, Katraj, Pune 411046 Roll No: AH015020 Post Eligible For-: ARTO-Gr.A Email ID-: shubhamsalvi777777@gmail.com Contact No: 8446639561)))))))
5) Ganesh Jitendra Ambekar Age-:28 Occupation-: Student Address-: Ashtavinayak Niwas, Shikshak Colony, sillod, Tq sillod, Dist. Chhatrapati Sambhaji Nagar. Roll No: PN007024 Post Eligible For-: ARTO-Gr.A Email ID-: ambekar.ganesh123@gmail.com Contact No: 8208101273))))))))))
6) Ashvin G Rahate Age-:31 Occupation-: Student Address-: Asare Lay Out Power House Katol dist Nagpur 441302 Roll No: NG010105 Post Eligible For-: MFAS-Gr.A & B Email ID-: ashvinrahate@gmail.com Contact No: 9503706914))))))))
7) Ajay Rajan Joshi Age-:35 Occupation-: Student Address-: A/P Peth Vadgaon, Near Shivaji Putala, Tal - Hatkanangale, Dist – Kolhapur Roll No: KL023055 Post Eligible For-: ARTO-Gr.A Email ID-: ajo140488@gmail.com Contact No: 7276537404))))))))))
8) Yogesh Ramchandra Supekar Age-:34)

3	
Occupation-: Service)
)
Address-: At Patharwadi Post Nighoj)
Tal Parner Dist Ahmednagar)
Roll No: NM010324)
Post Eligible For-: ARTO-Gr.A)
Email ID-: supekar.yog.11@gmail.com)
Contact No: 9579493296)
	,
9) Monali Chandrakant Patil	`
,)
Age-:32)
Occupation-: Service)
Address-: At Kashi po palashi)
Tal: Maan Dist: Satara)
Roll No: ST019010)
Post Eligible For-: ARTO-Gr.A)
Email ID-: monalipatil50222@gmail.com	ĺ
Contact No: 7020093848)
Contact 110 7020073040)
10) Dahal Dalandar Managan	`
10)Rahul Rajendra Kangane)
Age-:28)
Occupation-: Student)
Address-: Plot no . 107 Mhada Colony)
Badlapur (e) 421503)
Roll No: MC016277)
Post Eligible For-: ARTO-Gr.A	ĺ
Email ID-: rahulkangane27@gmail.com	ĺ
Contact No: 7709863117)
Contact No //0980311/)
11) Alakankanan Cadhalan Dhasala	`
11) Akshaykumar Sudhakar Bhosale)
Age-:29)
Occupation-: Student)
Address-: Gokul niwas at Post: khandala)
Taluka: Khandala Dist: satara)
Roll No: PN061004)
Post Eligible For-:)
1. ARTO-Gr.A	,
2. MFAS-Gr.A & B	
	`
Email ID-: Akshaybhosale7588@gmail.com)
Contact No: 8530584287)
10) C 171 1 1 1	
12) Ganga Vijay Jawlekar)
Age-:31)

4	
Occupation-: Service Address-: Hemraj galli, Kasarwada, Hingoli Roll No: NS013063)
)
Post Eligible For-: ARTO-Gr.A)
Email ID-: jawlekarganga112@gmail.com)
Contact No: 9503608941)
13) Sangram Suresh Kendre)
Age-:25)
Occupation-: Student)
Address-: Nagdarwadi Post: malakoli)
Tal: Loha Dist: Nanded)
Roll No: PN057220)
Post Eligible For-: ARTO-Gr.A)
Email ID-: sangramkendre44@gmail.com)
Contact No: 7798050851)
14) Prashant Subhash Patil)
Age-:30)
Occupation-: Service)
Address-: At- Hanumantkhede,)
Tal- Parola, District- Maharashtra)
Roll No: NM002029)
Post Eligible For-: ARTO-Gr.A)
Email ID-: patilprashant732@gmail.com)
Contact No: 7350504889)
16) I I I'' I II	`
15) Jayesh Kiran Jadhav)
Age-:26)
Occupation-:Service)
Address-: Neha bunglow, behind SBI,)
Jatra hotel, Nashik-3,)
Pin: 422003)
Roll No: PN027010)
Post Eligible For-:ARTO-Gr.A)
Email ID-: jayeshjadhav7030@gmail.com)
Contact No: 7030468917)
16) Samadhan Dilip Baste)
Age-:32)
Occupation-:Service)
Address-: At post Shindwad,)
Tal-Dindori, Dist-Nashik-422205)
1 at Dillaoit, Dist-14asilik-722203	,

Roll No: MC014266)
Post Eligible For-: MFAS-Gr.A & B)
Email ID-: samadhanbaste25@gmail.com)
Contact No: 8788900313)
17) Pravin Pandurang Funde)
Age-:26)
Occupation-: Student)
Address-: At post Narayandoho)
Tal-Nagar Dist-Ahmednagar)
Roll No: PN086269)
Post Eligible For-: ARTO-Gr.A)
Email ID-: <u>pravin7297@gmail.com</u>)
Contact No: 8623913435)
18) Amruta Ganesh Bhivate)
Age-: 32)
Occupation-: Service)
Address-: Talegaon Dabhade)
Tal Maval dist Pune 410506)
Roll No: PN057272)
Post Eligible For-: ARTO-Gr.A)
Email ID-: <u>amrutakaldate585@gmail.com</u>)
Contact No: 9028749551)
19) Kedar Sajit Dhekane)
Age-:29)
Occupation-:Student)
Address-: 689 B, Abhuday nagar,)
Ratnagiri 415612)
Roll No:RT001118)
Post Eligible For-: MFAS-Gr.A & B)
Email ID-:kedardhekane1234@gmail.com)
Contact No: 8830147295)
20) Kiran Valmik Ippar)
Age-:36)
Occupation-: Service)
Address-: Shivay Row Bunglow,)
Shivtej Nagar, Near BSNL Exchange Tower,)
Peth Road, Nashik 422003)
Roll No: NS004045)
Post Eligible For: ARTO-Gr.A)

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Email ID-: <u>ipparkiran@yahoo.com</u> Contact No: 7350619341)
21) Priyanka Nagnath Devsatvar)
Age-:32)
Occupation-: Service)
Address-: Shri Venkatesh Niwas,)
Kumar Swami Nagar, Main Road,)
Shirur Anantpal, Dist: Latur Roll No: PL001001)
Post Eligible For-: ARTO-Gr.A)
Email ID-: devsatwar@gmail.com)
Contact No: 8329429788)
22) Vallabha Ashok Shinde)
Age-:35)
Occupation-: Student)
Address-: Opp.Dmart)
Near Rajhans housing society)
Osmanabad 413501)
Roll No: OS009073)
Post Eligible For-: ARTO-Gr.A)
Email ID-: vallabhshinde2721@gmail.com)
Contact No: 8275516154)
23) Darshan Mahaveer Mehta)
Age-:31)
Occupation-: Service)
Address-: B/23, Avanti Nagar,)
Murarji Peth, Solapur 413002)
Roll No: SL002143)
Post Eligible For-: MFAS-Gr.A & B)
Email ID-: darshanmehta002@gmail.com Contact No: 9284561273)
Contact No 9284301273	,
24) Bharat Narayan Kadam)
Age-:31)
Occupation -: Student)
Address-: At Daithna kh Post: Shrishti Tal: Partur)
Dist: Jalna Pin 431501)
Roll No: AU006291)
)
Post Eligible For-: ARTO-Gr.A Email ID-: b4bharat888@gmail.com)
Eman ID <u>040naratooo@gman.com</u>)

Contact No: 8308885189)
25) Ramdas Muralidhar Gunjal)
Age-:.31)
Occupation-: Service)
Address-: Pisore khand, shrigonda,)
Dist: Ahmednagar)
Roll No: AH021249)
Post Eligible For-:)
1. ARTO-Gr.A)
2. MFAS-Gr.A & B)
Email ID-: rd110492@gmail.com)
Contact No: 8830012745)
26) Shankar Raghunath Shirsath)
Age-:31)
Occupation-: STUDENT)
Address-: HEMADEE RESIDENCY)
FL NO 104 C WING)
PLOT NO 3A SECTOR 11)
KAMOTHE NAVI MUMBAI 410209)
Roll No: NM004443)
Post Eligible For-: ARTO-Gr.A)
Email ID-: shankarshirsath8892@gmail.com)
Contact No: 9326323293)
27) Sumaiyya Gulab Shaikh)
Age-:27)
Occupation-: Service)
Address-: Vikas Nagar Latur)
Roll No: LT005199)
Post Eligible For-: ARTO-Gr.A)
Email ID-: itsssumaiyya@gmail.com)
Contact No: 9156300682)
28) Nayan Uday Thombare)
Age-:26)
Occupation-: Service)
Address-: 'D' ward 2385)
Juna Budhvar peth,Kolhapur)
Roll No: PN086461)
Post Eligible For-: ARTO-Gr.A)

Email ID-: <u>thombarenayan1@gmail.com</u> Contact No: 7875854000)
29) Atish Baban Pawar Age-:25 Occupation-: Student Address-: Padegaon road Teacher colony, Opposite to Oil Mill, House no.209, SHRIRAMPUR- 413715 Roll No: AH011176 Post Eligible For-: ARTO-Gr.A Email ID-: atishpawar1069@gmail.com Contact No: 9325637639	
30) Deepak Nandkumar Sadigale Age-:29 Occupation-: Student Address-: At post kharsundi, Taluka: Atpadi, District: Sangli Roll No: PN081354 Post Eligible For-: ARTO-Gr.A Email ID-: ci819029@gmail.com Contact No: 9518359865	
31) Prashant Radhakrishna Bire Age-:37 Occupation-: Service Address-: At/post- Manegaon Tal-Sinnar Dist-Nashik – 422103 Roll No: NS032291 Post Eligible For-: MFAS-Gr.A & B Email ID-: bire.prashant@gmail.com Contact No: 7387666681))))))
32) Laxmikant Ramesh Pawar Age-:42 Occupation-: Self employed Address-: vivekannd nagar Near Ramanand Nagar Jalgaon 425002 Roll No: JL007168 Post Eligible For-: MFAS-Gr.A & B)

Email ID-: <u>pawarlr@gmail.com</u> Contact No: 8329822708)
33) Mahesh Tanaji Sule Age-:33 Occupation-: Service Address-: Shriram Nagar Madha, Tal-Madha, Dist-Solapur Roll No: LT012366 Post Eligible For-: ARTO-Gr.A Email ID-: maheshsule@gmail.com Contact No: 9762631091))))))))))))))))))))
34) Shubham Bharat Mane Age-:28 Occupation-:Student Address-: shree niwas , near jaydeep hall saswad Roll No: PN062075 Post Eligible For-: ARTO-Gr.A Email ID-:shubham22072@gmail.com Contact No: 7387417513))))))))))
35) Dipak Balasaheb Pathare Age-:30 Occupation-: Student Address-: At- Patharwadi post- Nighoj Tal- Parner Dist- Ahmednagar Roll No: MC017236 Post Eligible For-: MFAS-Gr.A & B Email ID-:patharedipak11@gmail.com Contact No: 9850273523)))))))))
36) Kalpana Sampat Nichit Age-:33 Occupation-: House wife Address-: At post Vadner khurd Tal.Shirur Dist. Pune Roll No: PN019128 Post Eligible For-: ARTO-Gr.A Email ID-: nichitkalpana27@gmail.com Contact No: 9096262035)))))))))

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37) Snehal Bhausaheb Pawar Age-:26 Occupation-: Student Address-: Sarasnagar, namganga colony, Ahmednagar Roll No: AH010047 Post Eligible For-: ARTO-Gr.A Email ID-: Pawarsnehal2506@gmail.com Contact No: 9623937177)
38) Anand Rajesh Sadawarte Age-:28 Occupation-: Student Address-: Chhatrapati Sambhaji nagar Roll No: PN089172)
Post Eligible For-: ARTO-Gr.A Email ID-: anandsadawarte1@gmail.com Contact No: 8527198358)
39) Kiran Sainath Nalawade Age-:30 Occupation-: Service Address-: Sai Siddheshwar Society, R.N. 10, B.N 6, A wing, Kamgar Nagar, Kurla (East), Mumbai 400024 Roll No: MC002194 Post Eligible For-: ARTO-Gr.A Email ID-: kirannalawadee63@gmail.com Contact No: 7387504184	
40) Pooja Anandrao Karande Age-:26 Occupation-: Student Address-: Shree datta colony, Patan Dist –satara Roll No: ST006015 Post Eligible For-: ARTO-Gr.A Email ID-: Poojakarande467@gmail.com Contact No: 8805448668)
41) Rohit Baburao Karale Age-:30)

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Occupation-: Student)
Address-: Shaniwar peth pune	Ś
Roll No: PN064233	Ś
Post Eligible For-: MFAS-Gr.A & B	Ś
Email ID-: Rohitkarale8916@gmail.com)
Contact No: 8368887123)
Contact 140 6506667125	,
42) Ganesh Thaksen Sahane)
Age-:35)
Occupation-:Service)
Address-: At post. savrgoan pat,)
tal .akole ,dist. Ahamadnagar	j j
Roll No: NS031028)
Post Eligible For-: MFAS-Gr.A & B	ĺ
Email ID-: <u>Gtsahane30@gmail.com</u>	ĺ
Contact No: 8275010805)
	,
43) Omprakash Dnyanoba Ippar)
Age-:28)
Occupation-: Student)
Address-: At. Nagzari, Post: Khandali,)
Tal. Ahmedpur, Dist.Latur)
Roll No: PN027451)
Post Eligible For-: ARTO-Gr.A	ĺ
Email ID-: om.ippar@gmail.com	j j
Contact No: 9423297132)
	,
44) Yashwant Shantilal Shelar)
Age-:26)
Occupation-: Student)
Address-: At-Post:-Vadel,)
Tal:-Malegaon, Dist:-Nashik)
Roll No: PN062465)
Post Eligible For-: ARTO-Gr.A)
Email ID-: <u>yashwantshelar104@gmail.com</u>)
Contact No: 9423237015)
45) Sneha Santaji Patil	,
Age-:29)
Occupation-: Service)
Address-: At post Bastawade,	<i>)</i>
Tal Kagal, Dist Kolhapur.	<i>)</i>
Roll No: PN055008	<i>)</i>
1.011 1.10 1 1.10.3.3000	J

Post Eligible For-: ARTO-Gr.A Email ID-: snehasripatil@gmail.com Contact No: 7758011740)
46) Dattatray Ashok Pathare Age-:31 Occupation-: Student Address-: A/P Gunore, Tal - Parner Dist —Ahmednagar Roll No: PN075290 Post Eligible For-: MFAS-Gr.A & B Email ID-: patharedatta1@gmail.com Contact No: 9175569756))))))))))
47) Nupur Suresh Joshi Age-:23 Occupation-: Student Address-: Beed by pass, Aurangabad Roll No: AU043018 Post Eligible For-: ARTO-Gr.A Email ID-: nurbharati@gmail.com Contact No: 9421881598)))))))
48) Dattatry Jalinder Darade Age-:26 Occupation-: Student Address-: At limbarui post murshadpur Tal: Beed dist Beed Roll No: PN008084 Post Eligible For-: MFAS-Gr.A & B Email ID-: dattatrydarade@gmail.com Contact No: 8805848829))))))))))
49) Swarup Mahadev Patil Age-:34 Occupation-: Student Address-: Near lyker cinema, Bawdekar chowk, Ichalkarnji Roll No: PN052036 Post Eligible For-: ARTO-Gr.A Email ID-: swarupmpatil09@gmail.com Contact No: 9960978805))))))))

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50) Pramod Pundlik Kulsange Age-:37 Occupation-: Student Address-: At- Pargaon, Post- Darur, Tal:- Gondpimpari Dist- Chandrapur Roll No: AK003253 Post Eligible For-: MFAS-Gr.A & B Email ID-: pramodkulsange@gmail.com))))))))
Contact No: 9168123454 51) Nitin Namadev Patil Age-:33 Occupation-: Student Address-: Sahara, B.P. Aba Patil Nagar, Gotewadi Road, Tasgaon Roll No: SN017040 Post Eligible For-: ARTO-Gr.A Email ID-: nitin_patil036@yahoo.co.in Contact No: 9421294019))))))))))))))))))))
52) Rakesh Dnyandeo Mulik Age-:33 Occupation-: Student Address-: 1550,subhash Nagar Barshi Roll No: PN023403 Post Eligible For-: ARTO-Gr.A Email ID-: rakeshmulik2012@gmail.com Contact No: 9860628300)))))))
53) Prashant Manohar Wanve Age-:30 Occupation-: Service Address-: Juna nagar naka beed Roll No: PN040250 Post Eligible For-: ARTO-Gr.A Email ID-: pm.amvirto2323@gmail.com Contact No: 9504032323)))))))
54) Sameer Krishna Bagal Age-:28 Occupation-: Student Address-: Suyog Appt., Sector 11, Vashi, Navi Mumbai 400703))))

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Roll No: NM004254 Post Eligible For-: ARTO-Gr.A Email ID-: sameerbagal1994@gmail.com Contact No:8898861094))
55) Gaytri Subhash Shinde Age-:25 Occupation-: Student Address-: At post Deur Budruk, Teh.Dist. Dhule Roll No: AU042228 Post Eligible For-: ARTO-Gr.A Email ID-: gaytrishinde2512@gmail.com Contact No:7972732278))))))))
56) Andhale Baswaraj Satish Age: 28yrs Occupation: student Address: FL 16, Anuja Apartment, Suncity Road, Anand Nagar, Pune: 411051 Roll No.: PN083126 Post Eligible For: MFAS-Gr.A & B Emai ID: baswaraj.andhale@gmail.com Contact No.: 7588566661)))))))))
57) Seema Bapu Auti Age: 32 yrs Occupation: Student Address: Shreegonda, Ahmednagar – 413701 Roll No.: PN027129 Post Eligible For: MFAS- Gr. A & B Email: autiseema1@gmail.com Contact: 9970080901))))))))
58) Sunny Bhagwanrao Mankoskar Age: 36 Occupation: Student Address: Ambika Complex, Garin Market Golai East, Latur: 413512 Roll No. AH010243 Post Eligible For: ARTO- Group A))))))

Email: sbmankoskar18@gmail.com)
Contact No.: 8446102502)
59) Pankaj Jayprakash Pangam Age: 30 Occupation: Student Address: Nandani, Tal: Shirol, Dist: Kolhapur 416102 Roll No.: KL003244 Post Eligible For: MFAS – Group A& B Email: pankajpangam@gmail.com Contact No.: 9975415099))))))))Applicants
Versus	
1. Maharashtra Public Service Commission Through its Secretary, 5 th , 7 th and 8 th Floor,)
Cooperage Telephone Exchange Building)
Maharshi Karve Marg, Cooperage,)
Mumbai - 400021)
E-mail: contact-secretary@mpsc.gov.in)
2. The State of Maharashtra	•
2. The State of Maharashtra Through the Secretary,)
General Administration Department,)
Mantralaya, Mumbai- 400032)
	,
3. The State of Maharashtra)
Through The Secretary,)
Ministry of Finance,)
Mantralaya, Mumbai- 400032)
4. The State of Maharashtra)
The Secretary, Ministry of State Pond Transport)
Ministry of State Road Transport (Parivahan Department))
Mantralaya, Mumbai- 400032)Respondents
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Shri D.B. Khaire i/b Shri Praveen Kamble, Advocates for Applicants.

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

CORAM : Smt. Justice Mridula Bhatkar, Chairperson

Debashish Chakrabarty, Member-A

DATE : 16.01.2024

JUDGMENT

- 1. The Applicants are seeking stay to the result of 'Maharashtra Gazetted Civil Services Combined 'Preliminary Examination 2023' pursuant to common Advertisement No.011/2023 dated 24.02.2023 by MPSC and also prayed to stay further process for conduct of Main Examinations.
- 2. The learned Advocate for Applicants stated that Applicants had applied for Maharashtra Gazetted Civil Services Combined Preliminary Examination, 2023 pursuant to common Advertisement No.011/2023 by MPSC for filling-up of 295 posts. These 295 posts include few 'Specialist Posts' such as 'MFAS-Group A' and 'ARTO- Group A' which the Applicants aspire to join. The 'Maharashtra Gazetted Civil Services Combined 'Preliminary Examination 2023' was conducted on 4th June, 2023 and result was published by MPSC on 06.09.2023. Immediately after Preliminary Examination was conducted, this OA was filed on 23.06.2023.
- 3. The learned Advocate for Applicants contend that the procedure of conducting the 'Maharashtra Gazetted Civil Services Combined Preliminary Examination, 2023' and then selecting the eligible candidates by applying the ratio of 1:12 for 'Main Examination' and 1:3 for 'Interview' jointly in respect of all the streams should not be followed by MPSC. The learned Advocate for Applicants further prayed that such ratio instead is to be applied separately especially for posts which require 'Specialized Qualifications' such as (i) 'MFAS-Group A' and (ii) 'ARTO-Group A'.

- 4. The learned Advocate for Applicants raised question whether candidates who have 'Specialized Qualifications' can be compelled to compete with category of 'General Candidates' requiring only 'Graduation Degree' and thus whether common Cut-off Marks being made applicable to all candidates is the right procedure to be adopted by MPSC for the Civil 'Maharashtra Gazetted Services Combined Preliminary Examination, 2023'. The learned Advocate for Applicants submitted that Civil Services 'Maharashtra Gazetted Combined Preliminary Examination, 2023' has two groups viz. 'Group-1' and 'Group-2'. 'Group-1' has 14 cadres including (i) 'MFAS-Group A' and (ii) 'ARTO-Group A' and 'Group-2' which has 7 cadres.
- 5. The learned Advocate for Applicants points out 'Schedule-1' of Advertisement No. 011/2023 by MPSC and submits that the posts mentioned at' Serial No.4' and 'Serial No.6' of 'Group-1' are those for which Applicants have applied to MPSC. The Preliminary Examination was conducted on 04.06.2023 and its result was published on 06.09.2023 and the Main Examination is scheduled to be conducted on 20.01.2024 by MPSC.
- 6. The learned Advocate for Applicants submits that for Maharashtra Gazetted Civil Services Combined Preliminary Examination, 2023, there is 'Common Papers' in Preliminary Examination for all candidates appearing for 14 cadres in 'Group-1' and 7 cadres in 'Group-2'. However, for candidates who appeared for 'Maharashtra Gazetted Civil Services Combined Preliminary Examination, 2023' from 'Group-1', the Cut-off Marks for the 7 cadres was different so as to be considered eligible for 'Main Examination'. However, the 'Cut-off Marks' of candidates who appeared for 14 cadres in 'Group-1' which includes (i) MFAS Group-A and (ii) ARTO Group-A being common for all candidates, it reduces the chances of candidates with 'Specialized Qualification' to appear for 'Main Examination' and then 'Interview'.

7. The learned Advocate for Applicants points out Para No.3 of Advertisement No.011/2023 by MPSC wherein it is mentioned as under:-

"संयुक्त पूर्व परीक्षेच्या निकालाद्वारे	संबंधित संवर्गाच्या मुख्य	। परीक्षेच्या प्रवेशासाठी	पात्र ठरलेल्या	उमेदवारांकरिता स्वतंत्र
मुख्य परीक्षा खालील प्रमाणे आयोवि	जत करण्यात येतील :-			

अ.क्र.	परीक्षा	वार व दिनांक
9	राज्य सेवा मुख्य परीक्षा - २०२३	७, ८ व ९ ऑक्टोबर, २०२३
ર	महाराष्ट्र स्थापत्य अभियांत्रिकी सेवा गट-अ व गट-ब मुख्य परीक्षा - २०२३	१४ ऑक्टोबर, २०२३
3	महाराष्ट्र विद्युत अभियांत्रिकी सेवा गट-ब मुख्य परीक्षा - २०२३	१४ ऑक्टोबर, २०२३
8	निरीक्षक वैद्यमापनशास्त्र गट-ब मुख्य परीक्षा - २०२३	२१ ऑक्टोबर, २०२३
Ч	अन्न व औषध प्रशासकीय सेवा गट ब मुख्य परीक्षा - २०२३	२८ ऑक्टोबर, २०२३

- 8. The 'Maharashtra Gazetted Civil Services Combined Preliminary Examination, 2023' has (i) 'Written Examinations' and (ii) 'Interview'. The 'Written Examination' is further conducted in two stages which are (i) 'Preliminary Examination' and (ii) 'Main Examination'. After filtering at the stage of 'Preliminary Examination', lesser number of candidates are allowed in 1:12 ratio to appear for 'Main Examination'. After filtering again at the stage of 'Main Examination', even lesser number of candidates are allowed in ratio 1:3 to appear for 'Interview'.
- 9. The learned Advocate for Applicants submits that limited posts are advertised (i) 'MFAS-Group A' are 41 and (ii) 'ARTO-Group A' are 51 under 'Maharashtra Gazetted Civil Services Combined Preliminary Examination, 2023'.
- 10. The learned Advocate for Applicants submits that all candidates who qualify the 'Preliminary Examination' cannot apply for (i) 'MFAS-Group A' and (ii) 'ARTO-Group A' because there is mandatory requirement of 'Specialized Qualifications'. However, candidates eligible to apply for (i) 'MFAS-Group A' and (ii) 'ARTO-Group A' can also apply for all remaining cadres which require only 'Graduation Degree'. Therefore, these candidates who have 'Specialized Qualifications' must to be treated as a 'Separate Group' by MPSC.

11. The learned Advocate for Applicants points out a 'Chart of Vacancies Position' (Page No.22 of OA) which is reproduced below:-

Serial No.	Year of State Services	Number of vacancies declared for MFAS Group A	Minimum Candidates needs to be qualified for interview (1:3)	Number of Candida tes qualifie d for intervie w	Number of Candidat es eligible for final recomm endation	Number of Posts filed against / inter se respecti ve categori cal	Number of Posts remained vacant at Final Stage
1.	2016	8	24	5	3		5
2.	2017	6	18	14	6	3	0
3.	2018	8	24	4	1		7
4.	2019	16	48	20	12	1	4
5.	2021	15	45	24	12	3	3
Total		53	159	75	34	7	19

Assessment

- 12. The contention of Applicants therefore is that inclusion of the cadres of (i) 'MFAS-Group A' and (ii) 'ARTO-Group A' under the broad spectrum of 14 cadres within 'Group-1' which relates to many 'Administrative Departments' but conducted under the aegis of 'General Administrative Department' is not giving them fair opportunity to be tested for knowledge acquired by way of 'Specialized Qualifications' unlike in the case of 7 cadres in 'Group-2'.
- 13 (i) The basic minimum 'Education Qualification' in 'Para 6.4.1' of MPSC Advertisement No.011/2023 for all the 14 cadres included under 'Group-1' is 'Graduation Degree' or equivalent 'Education Qualification' as approved by Government of Maharashtra. The exceptions made under Para 6.4.1 is only in respect of 3 cadres (i) 'MFAS-Group A', (ii) 'Industry Officer (Technical)-Group B' and (iii) 'ARTO-Group A' which require 'Specialized Qualifications' which are as below:-

अ.क्र.	पदाचे नाव	शैक्षणिक अर्हता		
₹.	सहायक संचालक, महाराष्ट्र वित्त व लेखा सेवा, गट -	(१) सांविधिक विदयापीठाची, किमान ५५ टक्क्यांसह वाणिज्य		
	अ	शाखेची स्नातक पदवी, किंवा		
		(२) इन्स्टिटयुट ऑफ चार्टर्ड अकांऊटस ऑफ इंडिया यांनी घेतलेली		
		सनदी लेखापालाची अंतिम परीक्षा उत्तीर्ण किंवा		
		(३) इन्स्टिटयुट ऑफ कॉस्ट ॲण्ड वर्क्स अकांऊटस यांनी आयोजित		
		केलेली परिव्यय लेखाशास्त्राची अंतिम परीक्षा उत्तीर्ण विवा		
		(४) सांविधिक विदयापीठाची वाणिज्य मधील पदव्युतर पदवी, किंवा		
		(५) अखिल भारतीय तंत्र शिक्षण परिषदेच्या मान्यताप्राप्त संस्थेमधून		
		वित्त व्यवसाय प्रशासन या विशेषज्ञतेसह पदवी (एम.बी.ए).		
2.	उद्योग अधिकारी (तांत्रिक), गट-ब	(१) सांविधिक विदयापीठाची अभियांत्रिकी मधील (स्थापत्य		
		अभियांत्रिकी तसेच स्थापत्य अभियांत्रिकी मधील विषयांच्या गटांशी		
		संलग्न असलेल्या वास्तुविद्या, नगररचना इत्यादी विषयांव्यतिरिक्त)		
		किंवा तंत्रज्ञानामधील पदवी किंवा		
		(२) विज्ञान शाखेतील सांविधिक विद्यापीठाची पदवी.		
3.	सहायक प्रादेशिक परिवहन अधिकारी, गट-अ	(१) यांत्रिकी किंवा स्वयंचलित्र (ऑटोमोबाईल) अभियांत्रिकीमधील		
		किमान ४ वर्षांची पदवी		
		(२) मुख्य परीक्षेचा अर्ज सादर करण्याच्या शेवटच्या तारखेला,		
		गिअर्स, हलकी मोटार वाहने आणि परिवहन वाहने (अवजड		
		मालवाहू वाहने व अवजड प्रवासी वाहने) यांसह मोटार सायकल		
		चालविण्यासाठी प्राधिकृत करणा-या सक्षम प्राधिकरणाने दिलेले		
		वाहन चालविण्याचे वैध लायसन आवश्यक.		
		(३) मुख्य परीक्षेचा अर्ज सादर करण्याच्या शेवटच्या तारखेला,		
		अवजड मालवाहू वाहने किंवा यथास्थिती, अवजड प्रवासी वाहने,		
		अथवा अवजड मालवाहू वाहने व अवजड प्रवासी वाहने ही दोन्ही		
		वाहने चालविण्याचे वैध लायसन धारण करीत नसेल तर, परिवीक्षा		
		कालावधी पूर्ण होण्यापूर्वी असे वाहन चालविण्याचे लायसन प्राप्त		
		करणे अनिवार्य. अन्यथा सेवा समाप्त करण्यास पात्र असेल.		
		(४) कोणताही खंड न पडता वाहन चालविण्याच्या लायसनचे		
		वेळोवेळी नुतनीकरण करणे आवश्यक राहील.		

(ii) The exception in Para 6.4.1 made for (i) 'MFAS-Group A', (ii) 'Industry Officer (Technical)-Group B' and (iii) 'ARTO-Group A' from 'Group-1' is carried forward in 'Group-2' for which only 'Specialized Qualifications' have been prescribed such as in (a) 'Para 6.4.2' for Maharashtra Civil Engineering Services, (b) Para 6.4.3 for Maharashtra Electrical Engineering Services, (c) Para 6.4.4 for Inspectors, Weights and Measures and (d) Para 6.4.5 for Food and Drugs Administrative Services.

12. The 'Preliminary Exam inaction' of 400 marks is common in respect of all cadres whether included in 'Group-1' and 'Group-2'. However, the 'Main Exam inaction' are conducted separately by MPSC and there is also variation of 'Total Marks' for both (i) 'Main Exam inaction' and (ii) 'Interview' between the 14 cadres in 'Group-1' which include (i) 'MFAS-Group A' and 'ARTO-Group A' and 7 cadres included in 'Group-2' as reproduced below:-

अ. क्र.	संवर्ग	टप्पे	संयुक्त परीक्षेचे गुण	पूर्व	मुख्य परीक्षेचे गुण	मुलाखतीचे गुण
₹.	राज्य सेवा परीक्षा	संयुक्त पूर्व परीक्षा	Yoo		۷٥٥	100
2.	महाराष्ट्र विद्युत अभियांत्रिकी सेवा	व स्वतंत्र मुख्य			800	५०
3.	महाराष्ट्र स्थापत्य अभियांत्रिकी	परीक्षा			800	५०
4.	निरीक्षक वैधमापन शास्त्र				800	५०
5.	अन्न व औषध प्रशासकीय सेवा				800	φο

The case of Applicants who aspire to join (i) 'MFAS-Group A' and 13. (ii) 'ARTO-Group A' having requirement of 'Specialized Qualifications' under Para 6.4.1 as compared to other candidates who can apply for all other services under 'Group-1' and having acquired any 'Graduation Degree' therefore crystalizes into being considered as 'Separate Group' from the rest in 'Group-1' in respect of eligibility for both 'Main Examination' with ratio of 1:12 and for 'Interview' with ratio of 1:3 based on basis of separate 'Cut-Off Marks'. This will provide these candidates with higher probability of being declared eligible for 'Main Exam inction' with ratio of 1:12 under Rule 6.4.2 and for 'Interview' with ratio is of 1:3 under Rule 6.5.3.1. Hence, it will result in them getting much better chances to be recommended by MPSC for appointment to (i) 'MFAS-Group A' and (ii) 'ARTO-Group A'. Such expectation on the part of Applicants is also borne out from the 'Analysis of Data' done by them as reproduced in Para 10 above in respect of candidates who had applied for the post of 'MFAS-Group A' during 5 Years period from 2016 to 2021 for which exams were conducted by MPSC.

- 14. The case of Applicant is also bolstered by the fact that MPSC which conducted the 'Maharashtra Non-Gazetted Group-B and Group-C Services Preliminary Examination-2023' has published separate 'Cut-off Marks' in respect of vastly different cadres of (i) Police Sub-Inspector, (ii) Sales Tax Inspector, (iii) Sub-Registrar/Stamp Inspector while not doing so in respect of 'Maharashtra Gazetted Civil Services Combined Preliminary Examination, 2023' which included 3 cadres of (i) 'MFAS-Group A', (ii) Industry Officer (Technical) Group-B and (iii) 'ARTO Group', where MPSC had even required the candidates to possess 'Specialized Qualifications'.
- 15. The contention made by Applicant for reasons elaborated above have certain degree of merit and deserves due consideration by State Government which alone is competent to initiate any change in 'Methods of Recruitment' through various examinations conducted by MPSC, against backdroup of 'Article 320' of the 'Constitution of India'. The provisions of 'Article 320(1) and (3)' of 'Constitution of India' relating to 'Functions of Public Service Commission' are reproduced below.
 - "320. Functions of Public Service Commission. (1) It shall be the duty of the Union and the State Public Service Commission to conduct examinations for appointment to the services of the Union and the service of the State respectively.
 - (3) The Union Public Service Commission of the State Public Service Commission, as the case may be, shall be consulted:
 - (a) on all materials relating to methods of recruitment to civil services and for civil posts;
 - (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;
- 16. The case of Applicants for having separate 'Cut-off-Marks' with ratio of 1:12 for 'Main Examination' and 1:3 for 'Interview' for (i) 'MFAS-Group A' and (ii) 'ARTO-Group A' which are cadres presently included in the wider spectrum of 14 cadres in 'Group-1' of Advertisement No.011/2023 of MPSC for Maharashtra Gazetted Civil Services Combined

Preliminary Examination, 2023 lies is beyond our jurisdiction provided under 'Section 15' of the 'Administrative Tribunals Act 1985'. We are thus of the considered view that the case of Applicants nests comfortably in the exclusive domain of consultations which are expected to happen between MPSC and State Government under provisions of Article 320(1) and (3) of the Constitution of India. Hence, the following order.

ORDER

- (A) The OA is Dismissed.
- (B) No order as to Costs.

Sd/-

Sd/-

(DEBASHISH CHAKRABARTY) Member-A

(MRIDULA BHATKAR, J.)
Chairperson

Mumbai

Date: 16.01.2024 Dictation taken by:

S.K. Wamanse.

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