

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.742 OF 2024**

**DISTRICT : PUNE**

Smt.Gauri Bapu Londhe, )  
Age 20 years, occ. Student, R/o.1049, New Nana Peth, )  
Near Bharat Cinema, Pune City – 411 002. )..Applicant

Versus

The Secretary, )  
Maharashtra Public Service Commission, )  
Trishul Gold Field Building, Plot No.34, )  
Opp. Sarovar Vihar, Sector 11, CBD, Belapur, )  
Navi Mumbai 400614 )..Respondents

Shri B.A. Bandiwadekar – Advocate for the Applicant

Smt. Archana B.K. – Presenting Officer for the Respondents

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

DATE : 25<sup>th</sup> June, 2024

PER : Smt. Justice Mridula Bhatkar, Chairperson

**J U D G M E N T**

1. The applicant has filed the present OA for seeking directions from this Tribunal to the Respondent-MPSC to carry out the assessment for Question qua Paper No.2 (General Knowledge and Aptitude Test) with Set No. 'D' for Maharashtra Group -C Services Mains Examination 2023 with

Question Booklet No.556928 and accordingly the respondent be further directed to declare the marks of the applicant for the Mains Examination in order to undergo further selection process such as Skill Test.

2. Ld. Advocate for the applicant has submitted that the Respondent-MPSC issued Advertisement No.111/2023 dated 13.10.2023 for Maharashtra Group-C Services Mains Examination 2023 thereby inviting the applications for Preliminary Examination. The Applicant has filled up Mains On-line Application Form on 23.10.2023 for the post of 'Clerk-Typist' pursuant to Advertisement dated 13.10.2023. The Applicant appeared for the Main Examination and the results were declared on 16.05.2024 wherein the name of the applicant did not appear for which she made necessary enquiry with the office of the Respondent where the Applicant was informed that as the applicant had failed to mention the Question Booklet Series and to darken the circle provided for alphabets in the Answer sheet, hence her answer sheet was not assessed.

3. Ld. Advocate for the applicant has further argued that when the applicant had relooked the Answer sheet copy, it was found that inadvertently this bonafide error has occurred. The applicant did not write the Question Booklet Series (set code) 'D' in the Answer sheet and also did not darken the circle provided for alphabet 'D'. Even the Invigilator has neither filled the Question Booklet Series nor darkened the circle provided for the alphabet which is required to be done by the Invigilator at the time of supervision. He has only signed in the box provided for the Invigilator.

4. Ld. Advocate for the applicant has pointed out the Press Note/Public Notice/Announcement dated 2.8.2022 wherein in column no.14 it was mentioned that if the candidate and the invigilator both does not write the question booklet series and darken the circle provided, then such answer sheet will not be assessed. Ld. Advocate for the applicant

has argued that when the applicant realized that she forgot to fill up the Question Booklet Series No. 'D', she immediately submitted her representations dated 17.05.2024, 21.05.2024, 01.06.2024 04.06.2024 and 06.06.2024 to Respondents after the declaration of the result on 16.05.2024. This Press Note is issued for the first time and for such bonafide mistakes the MPSC earlier used to take different stand. Ld. Advocate for the applicant pointed out 5 reasons provided in para 2 of the Press Note dated 2.8.2022 for details of mistakes i.e. not writing name of the examination, roll number, signature, number of questions attempted and the signature of the invigilator and in the next column it is stated that for such mistakes the answer sheet will be assessed. In para 3 of the notice they have given different circumstances such as mentioning of question booklet number and series and darkening of circle etc., and for such mistakes the assessment will not be done. Ld. Advocate for the applicant submits that the applicant has not mentioned the Question Booklet series and not darkened the circle provided for such alphabet and she is facing the issue.

5. Ld. Advocate for the applicant submits that the applicant has now filed the above OA for the directions to the respondent to allow the applicant to undertake and to appear for the 'Skill Test' scheduled for the period between 01.07.2024 to 13.07.2024. Ld. Advocate for the applicant submits that she has made a case for interim relief and the applicant may be allowed to appear for the 'Skill Test'. Ld. Advocate for the applicant submits that non-mentioning the Question Booklet Series No. 'D' on the Answer Sheet or darkening corresponding circle is not any deliberate act but it is inadvertent mistake which has taken place at the time of examination. Ld. Advocate submits that it was also a duty of the Invigilator to verify whether the answer sheets are correctly filled up with all requisite compliance.

6. LD. Advocate placed reliance on the judgment of this Tribunal in O.A.No.473/2024 in M.A.No.310/2024, dated 13.05.2024 in which the Tribunal has given relief by directing the Respondents to assess the answer sheet of the said candidate when she has omitted the said requirement at the time of examination of the paper.

7. The learned P.O. opposes the Original Application on the ground that the instructions were clearly given to the candidates. However, they are not followed by the Applicant. The MPSC could not identify in which set of answer sheet, the Applicant was to be considered. She further submits that there may be number of candidates who committed such mistake and not written the booklet series in the answer sheet and they all will approach this Tribunal. Ld. PO submitted that as per Press Note dated 02.8.2022, the process of assessment of answer paper by MPSC is computerized and there is no human interference and therefore they cannot correct such mistake.

8. The judgment given by us in O.A.No.473/2024 in M.A.310/2024 has same facts and the applicant in present O.A. is stand on similar footing. We also do consider that it was also the duty of Invigilator to be carefully and vigilantly accepting the answer key and guide the candidates properly at the time of examination. In view of the ratio laid down in O.A.No.473/2024 in M.A.310/2024 (Komal Bhopale V/s Secretary, MPSC) dated 13.05.2024, we allow the present OA on the same line.

9. The 'Balance of Convenience' lies in favour of the Applicant because if the relief is not granted, the Applicant will be debarred from 'Skill Test'. On the other hand, MPSC has only to permit the Applicant to write Capital Alphabet 'D' of Question Booklet Series in the space provided for it in 'Answer Sheet' and also 'Darken the Circle' provided underneath to confirm having written Capital Alphabet 'D'. The MPSC is then required to process with assessment of 'Answer Sheet' of Applicant.

10. In view of the aforesaid circumstances of the case, the Respondent-MPSC is directed to allow the Applicant to write Capital Alphabet 'D' of Question Booklet Series in the space provided for it in 'Answer Sheet' and also 'Darken the Circle' provided underneath to confirm having written of Capital Alphabet 'D'. The MPSC then to proceed with assessment of Answer Sheet of Applicant on or before 28.06.2024. The result of Applicant be declared by 28.06.2024 and communicated by MPSC immediately to Applicant. In case, Applicant clears the Mains Examination, she be allowed to appear for the 'Skill Test' scheduled from 01.07.2024 to 13.07.2024. MPSC to thus immediately issue 'Admit Card' to Applicant, if she found eligible to appear for 'Skill Test'. With these directions the OA is disposed off. No order as to costs.

**Sd/-**  
**(Debashish Chakrabarty)**  
**Member (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

Dictation taken by: V.S. Mane

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