

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.763 OF 2024**

**DISTRICT: Kolhapur**

**Subject: Examination**

- |    |   |   |                     |
|----|---|---|---------------------|
| 1. | Ms Swati B. Patil                         | ) |                     |
|    | Age: 29 yrs, R/at Ratnadeep Vasahat,      | ) |                     |
|    | Ganga Nagar, Lane No.3, Kabnur,           | ) |                     |
|    | Lahsid, Hatkanangale, Dist. Kolhapur.     | ) |                     |
| 2. | Ms Kiran R. Tambe                         | ) |                     |
|    | Age: 23 yrs, R/at Patil Wada, Yeola, Tal. | ) |                     |
|    | Yeola, Dist. Nashik.                      | ) |                     |
| 3. | Ms Vasanti N. Jadhav                      | ) |                     |
|    | Age: 30 yrs, R/at Porle Tarf Thane,       | ) |                     |
|    | Tal. Panhala, Dist. Kolhapur.             | ) |                     |
| 4. | Mr. Mangesh D. Bangar, Aged 28 Years,     | ) |                     |
|    | R/at Lahi, Post Wara, Tal. Mandarulpur,   | ) |                     |
|    | Dist. Washim.                             | ) |                     |
| 5. | Ms Vidya Rajan Shende,                    | ) |                     |
|    | Age: 29 yrs, R/at Rajiv Gandhi Nagar,     | ) |                     |
|    | Wadalapaihu Chimur, Dist. Chandrapur.     | ) |                     |
| 6. | Ms Pallavi R. Masram,                     | ) |                     |
|    | Age: 25 yrs, R/at Jaity Nagar, Wani,      | ) |                     |
|    | Dist. Yeotmal.                            | ) | <b>...APPLICANT</b> |

**VERSUS**

The Secretary, Maharashtra Public -	)	
Service Commission, (M.S.), Mumbai,	)	
O/at Trishul Gold Field, Plot No.34,	)	
C.B.D.Belapur, Navi Mumbai,	)	
Dist. Thane 400 064.	)	<b>RESPONDENT</b>

Shri B. A. Bandiwadekar, learned Counsel for the Applicants  
Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.

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

**DATE** : **27.06.2024**

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

1. Heard Shri B.A. Bandiwadekar, learned Counsel for Applicant and Ms. S. P.Manchekar, learned Presenting Officer for Respondents.

2. The Applicants have applied for post of ' Clerk-Typist' for 'Maharashtra Group-C Services Mains Examination 2023' pursuant to MPSC Advertisement dated 13.10.2023. All Applicants were expected to submit their Online Application Forms with all details as required by MPSC Advertisement dated 13.10.2023. The Applicants in their Application Forms submitted for 'Maharashtra Group-C Services Mains Examination 2023' committed same mistakes regarding disclosure of the 'Typing Skill Test' they want to appear for and pray for directions to MPSC to allow them to appear for Typing Test Skill as per proficiency in Marathi.

3. The Applicants pray that 'Publication' issued by MPSC dated 16.05.2024 be quashed and set aside and also pray that list of 'Eligible Candidates' published on 10.06.2024 for Marathi Typing Skill Test be implemented as names of Applicants are found in the said list for Marathi Typing Skill Test and also further prays that from the list dated 14.06.2024 which is published for the 'Eligible Candidates' for 'English Typing Skill Test' be quashed and set aside qua the 'Applicants'.

4. All Applicants have possessed both English Typing Examination Certificate as well as Marath Typing Examination Certificate of 40 w.p.m. and 30 w.p.m. respectively at the time of filling up of Application Forms. At the time of filling up of Application Form two questions were formulated under the caption of

‘Question Description’ which were required to be necessary answered at the time of filling up of Application Form. The two questions are as follows: –

“Which Typing Skill Certificate do you have (please enter ‘1’ for Marathi, ‘2’ for English, 3 for both).

If you are applying for Clerk-Typist Post, then which typing skill test do you want to appear-(please enter 1 for Marathi, 2 for English)”.

5. The Applicants while answering 1<sup>st</sup> Question answered by writing Numerical Option ‘2’ which stands for ‘English’ and while answering 2<sup>nd</sup> Question, they all gave answer by giving Numerical Option ‘1’ which stands for ‘Marathi’. The MPSC after accepting the Application Forms took decision on the basis of answer to 1<sup>st</sup> Question allowed the Applicants to appear for ‘Typing Test for English’ and their names were deleted from the list of ‘Eligible Candidates for Marathi’ when final list was published on 14.06.2024. Earlier on 10.06.2024, the list of ‘Eligible Candidates for Marathi’ had included names of all Applicants and allowed them to appear for ‘Typing Skill Test in Marathi’. However, MPSC found that many Candidates have committed mistakes while filling up Application Forms as they were asked to give answers to 1<sup>st</sup> Question and 2<sup>nd</sup> Question under the caption of ‘Question Description’ only by Numerical Options. Hence, MPSC on 16.05.2024 issued ‘Publication’ informing Candidates about the errors committed by them while filling up Application Form and how MPSC has decided to correct that errors made by Candidates. These errors were categorized in Three Sets which is reproduced below from the ‘Publication’ dated 16.05.2024 for better understanding :-

अ.क्र.	प्रश्न व नमूद उत्तर	कार्यवाही
१	टंकलेखक कौशल्य चाचणीसंदर्भातील दोन प्रश्नांपैकी प्रश्न क्रमांक एक चे उत्तर मराठी अथवा इंग्रजी नमूद केले आहे. तथापि प्रश्न क्रमांक दोन चे उत्तर नमूद केले नाही अथवा प्रश्न क्रमांक दोन चे उत्तर प्रश्न क्रमांक एक च्या उत्तराशी विसंगत आहे.	उमेदवाराच्या प्रश्न क्रमांक एक च्या उत्तरानुसार त्याच्याकडे मराठी अथवा इंग्रजी टंकलेखन प्रमाणपत्र आहे. त्या भाषेची टंकलेखन कौशल्य चाचणी घेतली जाईल.
२	टंकलेखन कौशल्य चाचणीसंदर्भातील दोन प्रश्नांपैकी प्रश्न क्रमांक एक चे उत्तर मराठी व इंग्रजी अशी दोन्ही भाषेचे टंकलेखन प्रमाणपत्र असल्याचे नमूद केले आहे. तथापि प्रश्न क्रमांक दोन चे उत्तर नमूद केले नाही.	मराठी भाषेची टंकलेखन कौशल्य चाचणी घेण्यात येईल.
३	टंकलेखन कौशल्य चाचणीसंदर्भातील दोन्ही प्रश्नांची उत्तरे नमूद केली नाहीत अथवा उत्तर शून्य नमूद केले आहे.	उमेदवाराच्या अर्जातील शैक्षणिक अर्हतेमध्ये नमूद माहितीनुसार खालीलप्रमाणे कार्यवाही करण्यात येईल:-  १. उमेदवाराकडे मराठी व इंग्रजी दोन्ही भाषेची टंकलेखन प्रमाणपत्र असल्यास मराठी भाषेची टंकलेखन कौशल्य चाचणी घेण्यात येईल.  २. उमेदवाराकडे मराठी भाषेचे टंकलेखन प्रमाणपत्र असल्यास मराठी भाषेची टंकलेखन कौशल्य चाचणी घेण्यात येईल.  ३. उमेदवाराकडे इंग्रजी भाषेचे टंकलेखन प्रमाणपत्र असल्यास इंग्रजी भाषेची टंकलेखन कौशल्य चाचणी घेण्यात येईल.

6. The reading of 'Publication' dated 16.05.2024 of MPSC indicates that they have not categorized all types of errors made in Application Forms by Candidates and therefore Applicants are before this Tribunal.

7. The learned Counsel for Applicants stated that all Applicants have given correct answers to 2<sup>nd</sup> Question. They want to appear for 'Marathi Skill Typing Test' as they have cleared with high proficiency in the 'Marathi Typing Examination'. However, by mistake they have all mentioned Numerical Option 2 which stands for 'English' while answering the 1<sup>st</sup> Question.

8. The learned Counsel for Applicants further submits that in 'Publication' dated 16.05.2024 of MPSC in Serial No.1 the same type of error which is committed by Applicants has been mentioned in 'Column 1' which is "प्रश्न व नमूद उत्तर" however in 'Column 2' which gives solution which is "कार्यवाही" is not favourable to the Applicants. He submits that when MPSC which come across with these types of errors in filling Applications Forms as mentioned in 'Serial No.1' should have given due weightage to the answers given to '2<sup>nd</sup> Question' which had specifically asked the Candidates that "if you are applying for 'Cler-Typist' Post , then which typing skill test do you want to appeal – (please enter 1 for Marathi, 2 for English). If this would have done in 'Column 2' then the Applicants problem would have been resolved and they would have been given choices to appear for 'Typing Skill Test' in Marathi'. He submits that all the Applicants except just 1 out of 6 have uploaded both 'English Typing Examination Certificates' as well as 'Marathi Typing Examination Certificate' and therefore, they should have been considered eligible for appearing for 'Typing Skill Test' in Marathi.

9. The learned Counsel for Applicants also submits that though 'Numerical Option 3' had been filled up by Applicants as they had proficiency in both Marathi and English Typing and had also uploaded 'Marathi Typing Examination Certificate' and 'English Typing Examination Certificate'

however due to some Technical Snag, the entry done in 'Numerical Option 3' got converted by the Computed System of MPSC into 'Numerical Option 2'. The Numerical Option given for Marathi is 1, for English is 2 and for both is 3 in 1<sup>st</sup> Question and it is just because of this that Applicants are being denied to appear for Typing Skill Test' in Marathi which is slated to be held between 1<sup>st</sup> July to 13<sup>th</sup> July, 2024. The learned Counsel further submits that Applicant No.2 Ms Kiran Ravindra Tambe did not upload 'Marathi Typing Examination Certificate' though she possessed. Ms Kiran Tambe-Applciant No.2 uploaded only 'English Typing Examination Certificate'.

10. The learned CPO while opposing this Original Application pointed out to the magnitude of the 'Typing Skill Test' for 'Maharashtra Group-C Services Mains Examination 2023'. She submits that MPSC on our request verified cursorily whether there was any Technical Snag in their Computer System. She informs that no such evidence of any Technical Snag was found in the Computer System when they examined Application Forms to collect data relating to 1<sup>st</sup> Question and 2<sup>nd</sup> Question under 'Question Description'. The learned CPO submitted that it was the Applicants who have committed mistakes while writing 'Numerical Option 2' which stands for 'English' and as they also have 'English Typing Examination Certificate' and therefore as MPSC has given higher weightage to answer of Candidates given to '1<sup>st</sup> Question' and accordingly they have allowed Applicants to appear for 'Typing Skill Test' in 'English'.

11. On perusal of all relevant documents we are of the considered view that at this stage no evidence of Technical Snag in the Computer System of MPSC and therefore we cannot hold any specific view regarding the contention about

Technical Snag. We accordingly hold that there was inadvertent mistake committed by Applicants in writing 'Numerical Option' of 2 which stands for 'English' in 1<sup>st</sup> Question of 'Question Description'. The Applicants should have written either 'Numerical Option 1' for 'Marathi' or 'Numerical Option 3' for both 'English' and 'Marathi' and then automatically their names would have got included in the list of 'Eligible Candidates' for Typing Skill Test' in Marathi which is published on 14.06.2024. However, nonetheless it must be observed that 'Publication' dated 16.05.2024 of MPSC is very significant for all Candidates of 'Maharashtra Group-C Services Mains Examination 2023'. The MPSC has considered the mistakes in Application Forms and in all its wisdom found out appropriate solutions to error made by Candidates. The 'Publication' of MPSC dated 16.05.2024 itself shows that Candidates had committed different types of error put in these 3 categories. Therefore, MPSC has to take similar positive approach to allow Applicants to appear for 'Typing Test Skill Test' in 'Marathi'. We are also of the considered view that MPSC in its 'Publication' dated 16.05.2024 considered the errors made by Candidates in Category No.1 but the solution given by them to only consider 'Numerical Option' recorded in 1<sup>st</sup> Question is not justifiable as 2<sup>nd</sup> Question is rather pertinent in the given context as it had specifically asked the Candidates "If you are applying for Clerk-Typist' Post, then which typing skill test do you want to appear – (please enter 1 for Marathi, 2 for English). The MPSC should have been taken into account the answers of Candidates in 2<sup>nd</sup> Question if there was any contradiction within 'Question Description' between 1<sup>st</sup> Question and 2<sup>nd</sup> Question; as it would have been rationale to give primacy to Numerical Option given to 2<sup>nd</sup> Question because it essentially captures choice

of Applicant depending his or her proficiency in 'Typing Skill Test' which is infact should be deciding factor and given priority if Candidates such as Applicants possess both English Typing Examination Certificate and Marathi Typing Examination Certificate. Therefore, we are of the view that this solution is also to be made available to Applicants who have committed inadvertent mistake in giving Numerical Option of 2 while given answer to 1<sup>st</sup> Question of 'Question Description'.

12. We also note that Applicants have approached this Tribunal well within time so this mistake is curable. Hence, we allow this O.A. except for Applicant No.2 Ms Kiran Tambe and allow other 5 Applicants to appear for 'Typing Skill Test' in Marathi. We accordingly direct MPSC to include names of these 5 Applicants in list of 'Eligible Candidates' for 'Typing Skill Test' in 'Marathi' as published on 14.06.2024 and immediately issue Admit Card to Applicants to enable them to appear for Tying Skill Test in Marathi to be held from 1<sup>st</sup> July 2024 to 13<sup>th</sup> July 2024.

13. No order as to costs.

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

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

Place : Mumbai

Date : 27.06.2024

Dictation taken by : V.S. Mane