MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 1261/2023 (S.B.)

Bhuvendrakumar S/o Tarachand Kuranjekar,
Aged about 27 years,
Occ. Agriculturist, R/o Mundipar,
Post Sarkartola, Tq. Amgaon, Dist. Gondia.

Applicant.

Versus

1) The State of Maharashtra,
Through it's Secretary,
Department of Revenue & Forest,
Mantralaya, Mumbai- 400 032.

2) The Collector,
Collectorate, Gondia.

3) Sub-Divisional Officer, Deori,
Dist. Gondia.

4) Tahsildar & Member Secretary,
Recruitment of Post of Kotwal Process Committee - 2023,
Tahsil Office, Amgaon, Dist. Gondia.

5) Bhagyawan Balkrushna Harinkhede,
Aged about 27 years, Occ. Kotwal,
R/o Marartola, Post Sarkartola,
Tah. Amgaon, Dist. Gondia.

Respondents

Smt. A.Y.Pardhi, ld. Advocate for the applicant.

Smt. S.R.Khobragade, ld. P.O. for the respondents 1 to 4.

None for the R-5.

Coram :- **Hon'ble Shri M.A.Lovekar, Member (J).**

JUDGMENT

Judgment is reserved on 21st Nov., 2024.

Judgment is pronounced on 29th Nov., 2024.

Heard Smt. A.Y.Pardhi, ld. counsel for the applicant and Smt. S.R.Khobragade, ld. P.O. for the Respondents 1 to 4. None for the R-5.

2. Undisputed facts are as follows. In response to proclamation dated 26.06.2023 (A-1) the applicant as well as respondent no. 5 applied for the post of Kotwal of Saza No. 7 i.e. Sarkartola, Tah. Amgaon, Dist. Gondia. As per merit list (A-2) the applicant scored 74 marks and respondent no. 5 scored 78 marks. By making applications under the R.T.I. Act the applicant obtained copy of his question/ answer sheet as well as that of respondent no. 5. (These question/ answer sheets are at PP. 26 to 31 and 43 to 48). Question no. 24 was framed and four options by way of answer were given as follows:-

२४. स्वच्छ भारत अभियान, भारत सरकारने खालीलपैकी कोणत्या वर्षी सुरु केली.

A) सन 2014 B) सन 2015 C) सन 2016 D) सन 2018

While answering question no. 24 the applicant selected option A whereas respondent no. 5 selected option B. Option A selected by the applicant was assessed to be incorrect whereas option B selected by respondent no. 5 was assessed to be correct. On the basis of such assessment scores of the applicant and respondent no. 5 viz. 74 & 78 respectively, were arrived at. On 11.09.2023 the applicant, by making application as follows ventilated his grievance before respondent no. 4:-

> महोदय,
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> सर सविनय विनंती करतो की, दि. 30/07/2023 रोजी घेण्यात आलेल्या कोतवाल पदाची भरती मध्ये सा. क. 07 सरकारटोला, ता. आमगांव, जि. गोंदिया परीक्षेअंतर्गत मला मिळालेल्या प्रश्नोत्तर पत्रिका संच A रोल नं. 207071 या प्रश्नोत्तर पत्रिकेतील प्रश्न क्रमांक 24 याचे उत्तर बरोबर असुन चूक देण्यात आले. सदर माहीती भारतीय राष्ट्रीय पोर्टल वर उपलब्ध असुन तिची प्रत जोडलेली आहे. आणि माझे उत्तर बरोबर आहे याची मला खात्री आहे. म्हणून त्यामध्ये दुरुस्ती करून अचूक उत्तर ठरवून गुण देण्यात यावे.
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> तसेच रोल नं. 207066 च्या प्रश्नोत्तर पत्रिकेमध्ये माहीती पुरविले असता, असे आढळून आले की, ह्याच प्रश्नाचे उत्तर चूक असुन त्यामध्ये गुण देण्यात आले. त्याची पडताळणी करण्यात यावी.
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> तसेच एका प्रश्नाच्या उत्तरात ओव्हर रायटींग केले पण त्या उत्तराला गुण देण्यात आले. परंतु प्रवेश पत्रावरील उत्तर भरण्याबाबत सूचना क्रमांक 07 आणि 08 नुसार त्यास शुन्य गुण देण्यात यावे. असे स्पष्ट नमुद केले आहे याची नोंद घ्यावी.
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> तरी वरील अर्जावर तातडीने योग्य कार्यवाही करून मला निःसंदिग्ध साष्टीकरण देण्यात यावे ही विनंती.

To this application the applicant annexed information downloaded from Indian National Portal. Respondent no. 4 gave reply dated 03.10.2023 (A-9) as follows to application of the applicant:-

> उपरोक्त संदर्भिय विषयाच्या अनुषंगाने दिनांक 30/07/2023 रोजी घेण्यात आलेल्या कोतवाल पद भरती मध्ये प्रश्नप्रत्रिका संच A रोल नं. 207071 या प्रश्नोत्तर पत्रिकेतील प्रश्न क्र. 24 चे उत्तर बरोबर असून चुक देण्यात आले असून सदर उत्तर दुरूस्ती करून अचूक उत्तर ठरवून गुण देण्यात यावे असे कळविण्यात आले आहे.
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> उपरोक्त विषयास अनुसरून आपणास कळविण्यात येते कि, वरीष्ठ स्तरावरून प्राप्त झालेल्या गुण तालिकेनुसार सदर प्रश्नाला गुण देण्यात आले आहेत व कोणत्याही प्रश्नाच्या उत्तरात ओव्हर रायटींग केली असल्याचे आढळून आले नाही. सबब सदर प्रकरण नस्तीबध करण्यात येत आहे.

Hence, this Original Application principally seeking the relief of reassessment of question/answer sheets of the applicant and respondent no. 5, and take further steps on the basis of such reassessment.

3. Stand of respondent no. 4 is as follows:-

> *The Recruitment Committee headed by the S.D.O., Deori followed the most authoritative report of National Institution for Transforming India (NITI Aayog) which was published in October, 2015 to award right answer to the question .no. 24 of the question-answer sheets. The Swachh Bharat Mission was only launched on 2nd October, 2014. A Sub-Group of Chief Ministers on Swachh Bharat Abhiyan was constituted by NITI Aayog as per decision taken at the First Meeting of the Governing Council*

> *of the NITI Aayog chaired by the Prime Minister on 8th February, 2015 (Annexure-A). Table 7 (Action Plan for Swachh Bharat Mission 2015-19) of Chapter 5 (Action Plan) of the NITI Aayog Report clearly shows that the actual implementation of the Swachh Bharat Mission was started in 2015 (Annexure- B). The Report of NITI Aayog which was published in October, 2015 clearly authenticates that the Swachh Bharat Mission was implemented and started in 2015. The entire recruitment process conducted by the recruitment committee headed by S.D.O., Deori, from inception to completion, was transparent, valid and legal, and all the questions and answers framed by Recruitment Committee headed by the S.D.O., Deori were correct.*

Thus, respondent no. 4 is relying on following portions of A-A (on P. 55)**:-**

> *The Swachh Bharat Mission (SBM) was launched on October 2, 2014 to fulfil the vision of a cleaner India by October 2, 2019 as a tribute to Mahatma Gandhi on his 150th birth anniversary.*
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> *The first meeting of the Governing Council of the NITI Aayog chaired by the Prime Minister was held on 8th February, 2015 and it was decided to set up a Sub-Group of Chief Ministers on Swachh Bharat Abhiyaan.*

4. It was submitted by Smt. A.Y.Pardhi, ld. counsel for the applicant that launching of a mission would be the starting point thereof and thus while answering question no. 24 option A selected by the applicant should have been assessed as correct and option B selected by respondent no. 5 should have been assessed as incorrect. On the other hand, it was submitted by ld. P.O. that actual implementation of a mission, and not its launching, would be the starting point and hence

answers given by the applicant as well as respondent no. 5 can be said to have been assessed correctly.

5. As per Merriam - Webster Dictionary “begin” and “start” are also synonyms of the word “launch” (verb). This being the position, interest of justice would be served by directing the respondents to constitute a committee of expert/s to decide what is the correct answer to question no. 24 – ‘Option A’ or ‘Option B’. The reason for issuing such directions is that if contention of the applicant regarding correct answer to question no. 24 is found to be correct by the committee, score of the applicant would be increased by two marks and score of the respondent no. 5 would be decreased by two marks and both of them would then have score of 76 marks. Such committee shall be formed. It shall give its decision and communicate the same to the applicant as well as respondent no. 5. Consistent with the decision so taken, further necessary orders shall be passed. This entire process shall be completed within two months from today. It would be open to the party aggrieved by the decision of the committee to approach this Tribunal in accordance with law. The O.A. is allowed in these terms with no order as to costs.

Member (J)

Dated :- 29/11/2024
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno	:	Akhilesh Parasnath Srivastava.
Court Name	:	Court of Hon'ble Member (J).
Judgment signed on and pronounced on	:	29/11/2024
Uploaded on	:	02/12/2024