

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 11189 OF 2025

(District-Kolhapur)

1) Mr. Sharad Bajirao Patil,]
Age: 35 yrs., Occ: Service (Liftman), R/o.]
Village Waghawe, Tal. Panhala, Dist.]
Kolhapur.] **...Petitioner.**

Versus

1) The State of Maharashtra, Through the]
Office of the AGP, Bombay High Court at]
Kolhapur.]
2) Maharashtra Public Service Commission,]
Through its Secretary, Having its office at]
Trishul Gold Field Plot No. 34, Sector 11,]
Belapur CBD, Navi Mumbai 400614.] **...Respondents.**

Mr. Vishwanath S. Talkute a/w Sampada S. Patil, Pratik Bhojane, Meena Shendage for the Petitioner.

Mr. R. P. Kadam, 'B' Panel Counsel Assistant Government Pleader for the Respondent No. 1 – State

Mr. Ashutosh Kulkarni a/w Mr. Siddharth Shitole for the Respondent No. 2 –MPSC.

**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : December 18, 2025.

JUDGMENT (PER : AJIT B. KADETHANKAR, J.)

(1) Heard Mr. Vishwanath Talkute, learned Counsel for the Petitioner, Mr. R. P. Kadam, learned Assistant Government Pleader for the Respondent No. 1-State and Mr. Siddharth Shitole for the Respondent No. 2-Maharashtra Public Service Commission (for the sake of brevity referred as "**MPSC**")

(2) The Petitioner has prayed for the following reliefs:

"a. This Hon'ble Court be pleased to issue a writ of mandamus or any appropriate writ, order, or direction thereby directing the Respondent No. 2- MPSC to include the Petitioner's name in the "List of Candidates Eligible for Recommendation" for Maharashtra Group-C Services Main Examination- 2023 for the post of "Clerk-Typist", by treating the Petitioner as "Domiciled in the State of Maharashtra";

b. Pending hearing and final disposal of the aforesaid Writ Petition, this Hon'ble Court be pleased to direct the Respondent-MPSC not to publish a Provisional and Final Merit / Select List, without considering the claim of the Petitioner;

c. Pending hearing and final disposal of the aforesaid Writ Petition, this Hon'ble Court be pleased to direct the Respondent-MPSC to keep one post vacant in the appropriate Department as per the merit of the Petitioner;

d. Ad-interim relief in terms of prayer clause (b) and/or (c) above be granted.

e. Cost of the Petition be provided.

f. Any other appropriate reliefs in the facts and circumstances of the present case be granted in favour of the Petitioner."

(3) **Rule.** Rule made returnable forthwith. Considering the urgency emerged and the facts of the case, we propose to hear the Petition finally at the admission stage by consent of the parties. For the sake of convenience, the parties are referred to by their respective statuses.

(4) SUBJECT MATTER:

(4.1) The Petitioner is a 100% visually disabled person and is identified as a "Person with Disability" within the meaning of Section 2(s) of the Rights of Persons with Disabilities Act, 2016 (for short, "***the Disabilities Act***"). The Petitioner underwent a recruitment process conducted by the MPSC for the post of 'Clerk-Typist' reserved for *Divyang* category (Differently abled persons' category).

Submission of Domicile Certificate was a condition precedent for acceptance of application in the recruitment process. Petitioner uploaded the Domicile Certificate and was permitted to appear for Preliminary examination. He secured goods score in the first phase of recruitment process and was held qualified for second phase i.e. Main Examination. Petitioner cracked both Preliminary and Main Examination with flying colors securing top merit with 185 marks against cut off set at 135 marks.

However, now Petitioner's application is held disqualified on the ground that while submitting the online application form for Preliminary Examination, he ticked 'NO' remark against the column

asking, "Whether possesses domicile certificate?".

(4.2) The Petitioner lives in a remote village in Panhala tehsil of Kolhapur district. Due to 100% blindness the Petitioner always have to take assistance of someone. The Petitioner was constrained to avail assistance of a local cyber Café to submit his form. While submitting form for Preliminary examination, the computer operator uploaded Petitioner's Domicile Certificate and but inadvertently ticked '**NO**' before the concerned column asking, "Whether possesses domicile certificate?".

(4.3) The petitioner was not given any opportunity to explain or cure the technical and formal deficiency/discrepancy nor his written explanation is entertained by the MPSC. Despite agreeing that the Petitioner's Domicile Certificate is properly uploaded at the beginning itself, the MPSC has excluded the Petitioner from the list of Selected Candidates for Consideration only due to the mistakenly ticked wrong option by the computer handler while submitting Petitioner's form for Preliminary Examination.

As such, the Petitioner has filed this Writ Petition seeking necessary directions to the MPSC.

(5) FACTS IN BRIEF:

(5.1) The Petitioner is a victim of 100% blindness and possesses a Unique Disability Identity to that effect issued by the competent

authority, and therefore falls within the definition of “Person with Disability” under Section 2(s) of the Disabilities Act. He possesses a valid Domicile Certificate issued by the competent authority.

(5.2) In the year 2023, Respondent No. 2–MPSC issued an Advertisement No. 001/2023 announcing the “Maharashtra Subordinate Group-B and Group-C Services Combined Preliminary Examination-2023”. The post of Clerk-Typist (Marathi/English)-2023 reserved for the category of “*Divyang* (Blind)” is the subject matter post for which the Petitioner submitted his online application.

Four points are pertinent to be noted as follows:

- (i) Written Examinations were to be conducted in two phases: Preliminary and Mains; and only the candidate qualifying in the Preliminary Examination were to be admitted for Main Examination.
- (ii) Both phases were to be declared by separate advertisements; and
- (iii) Applications were to be submitted online together with the requisite documents qua the qualification, reservation, category etc. Seats were facilitated for the differently abled i.e. *Divyang* persons by providing suitable reservation as per Schedule annexed to the advertisement.
- (iv) And most important, no application could be accepted unless each requisite document is uploaded by the candidate.

(5.3) The Petitioner was desirous to appear for the recruitment process for the subject-matter post of 'Clerk-Typist' from *Divyang* Category (Differently abled persons).

(5.4) Owing to his full blindness, the Petitioner was constrained to seek assistance from a third party at a cyber café for filling up the online application form.

On 11th February 2023, the computer handler at a local cyber cafe submitted Petitioner's online application for Preliminary examination and uploaded all requisite documents including the Domicile Certificate. However, inadvertently, the typist/computer operator marked "NO" against the column relating to the Domicile Certificate.

(5.5) The MPSC found Petitioner's application qualified for allowing him to participate into the Preliminary Examination. Petitioner appeared for the Preliminary Examination conducted by the MPSC for the post of 'Clerk-Typist' (Marathi/English)-2023 from the category reserved for "*Divyang* (Blind)". He successfully cleared the Preliminary Examination and was held eligible to participate the next round i.e. the Main Examination which was advertised vide Advertise No.111/2023.

(5.6) Again the Petitioner had to fill up the online application form for the Mains taking assistance from a third party i.e. a computer handler in a local cyber cafe.

(5.7) The Petitioner was permitted to appear for the Mains and was allotted Seat No. PN010354 to undergo the Main Examination conducted on 17th December 2023. The cut-off marks prescribed for the “*Divyang* (Blind)” category were 135 marks.

(5.8) The Petitioner performed to his best and passed the Main Examination securing 185 marks, whereas the *cut-off* marks were prescribed 135 for the *Divyang* Category. Then, the Petitioner was eagerly waiting to see his name standing in the list of the candidates selected for consideration.

(5.9) The petitioner melted down in shock learning that despite securing a meritorious position in the Mains from *Divyang* category, his name was excluded from the list of candidates eligible for recommendation from the said category.

(5.10) The Petitioner desperately pursued with the MPSC to know the reason for his non-inclusion in the list of Selected Candidate for Consideration. The Petitioner was informed that while submitting the online application for the Preliminary Examination, the option “NO” was selected instead of “YES” against the column relating to the “Domicile Certificate”.

The Petitioner was absolutely unaware of the typographical mistake, if any, committed by the computer handler in the cyber café. As the Petitioner was allowed to participate in the Preliminary

Examination, there was even no occasion to doubt or re-think on contents of the form.

(5.11) It is a matter of record that the Petitioner had uploaded the Domicile Certificate while submitting the online application for the Preliminary Examination. He was allowed to partake into the Preliminary Examination, only because he had uploaded his “Domicile Certificate” on the portal.

(5.12) The Petitioner made repeated attempts to convince the MPSC by explaining the typographical mistake of marking “NO” against the column relating to the Domicile Certificate, despite the fact that his Domicile Certificate itself was on record. However, he was informed that once the list was published, it was a conscious decision of the authority to exclude his name.

(5.13) Exclusion of the Petitioner from the list of Selected Candidates, solely on account of the mistaken option marked at the time of filling up the online form for Preliminary Examination, has thus brought the startled Petitioner before us praying to invoke the jurisdiction under Article 226 of the Constitution of India, read with Article 14 thereof.

We have heard Mr. Vishwanath Talkute, learned Counsel for the Petitioner, Mr. R. P. Kadam, learned Assistant Government Pleader for Respondent No.1–State and Mr. Ashutosh Kulkarni a/w Mr. Siddharth

Shitole, learned Counsels for Respondent No.2–MPSC. As recorded above, we deem it appropriate to dispose of the Writ Petition finally.

(6) Petitioner's Arguments: -

(6.1) Mr. Talkute, Learned Counsel for the Petitioner would submit that the Petitioner must not be punished for the typographical error committed by the computer handler. He would further submit that it is not the case that the Petitioner is not a domicile of the State of Maharashtra or that he does not possess Domicile Certificate at all.

(6.2) Mr. Talkute, Learned Counsel would submit that the error was committed inadvertently at the end of the Petitioner, yet the option endorsed ought to have been verified by the MPSC looking into the documents uploaded by him.

(6.3) He would further submit that the Petitioner is 100% blind. He has filed his application from the *Divyang* Category. That, the Domicile Certificate itself is already uploaded with the form. That, the MPSC ought to have verified the record that is already uploaded by the Petitioner. Mr. Talkute would conclude submitting that if such an obscure approach is adopted by the Selection agency, it would frustrate the very purpose of the reservation provided for the differently abled persons, as also of the Disabilities Act.

(7) Respondents' Arguments:-

(7.1) The MPSC has not disputed on oath that the Petitioner has uploaded Domicile Certificate on portal. Mr. Kadam and Mr. Kulkarni, Learned Assistant Government Pleader and MPSC respectively would justify the action of the MPSC. They submit that the Petitioner ought to have taken utmost precaution while submitting the application.

(7.2) They would submit the Petitioner cannot blame the Selection agency for the lapse on his own part. Mr. Kadam and Mr. Shitole would lastly submit that the candidates are expected to furnish correct information in the application form and that, they are responsible for what information they offer in the application. Thus, the respondents pray to dismiss the Writ Petition.

(8) CONSIDERATIONS AND OBSERVATIONS:

(8.1) We have heard learned Counsels and learned Assistant Government Pleader for the respective parties at length. With the able assistance of the Learned Counsels, we have gone through the documents on record.

(8.2) It is not in dispute that the Petitioner is a 100% visually impaired person, falling within the definition of "Person with Disability" under Section 2(s) of the Rights of Persons with Disabilities Act, 2016. He has been issued the Unique Identity accordingly by the competent authority. It is a matter of record that the subject-matter recruitment process provided reservation for the *Divyang* category.

(8.3) The Petitioner was therefore entitled to participate in the recruitment process under the category of “*Divyang* (Blind)” for the subject-matter post. At the stage of submitting the online application for the Preliminary Examination, a candidate claiming reservation as *Divyang* candidate, is required to possess a valid Domicile Certificate. The online application requires a candidate to register for participation in the selection process, and the declaration regarding possession of the Domicile Certificate is a formal input. Documents to substantiate the reservation, qualification, additional merit etc. are to be uploaded at this stage only.

(8.4) It is an uncontroverted fact that the Petitioner had, in fact uploaded his Domicile Certificate along with the application forms.

Clause 8.2. (Two) and (Four) of the Preliminary Examination Advertisement, it is incumbent on the part of the candidate to upload requisite document while submitting the form. It states that unless requisite documents are uploaded to substantiate reservation, quota, concession, merit etc., the application for Preliminary Examination shall not be accepted.

(8.5) Needless to hold, because the Petitioner uploaded all the requisite documents including the Domicile Certificate to claim *Divyang* Reservation as per Clause 8.2 (Two) and (Four) of the Advertisement for Preliminary Examination, his application was accepted, he was allowed

to participate in the process and was held qualified to enter into next phase of recruitment process.

(8.6) Clause 9.5.1 comprised in the Advertisement No. 111/2023 for Main Examination states that the candidates who have secured merit in the preliminary examination, corresponding to the cut off set by the MPSC shall only be qualified to participate the Main Examination.

Clause 9.5.3 comprised in the Advertisement No. 111/2023 for Main Examination states that the information uploaded by the candidate while submitting form for Preliminary Examination shall be considered for the Main Examination.

(8.7) Clause 12 of the Main Examination advertisement notification providing for verification of candidates' testimonials and documents is as much oblivious as it can be. It provides that the candidates held qualified for Consideration on the basis of their performance in the Main Examination shall be called either *before the result of Main Examination* or after the result of Main examination or before the issuance of appointment order.

(8.8) In the present case, the stage of document verification had admittedly not commenced prior to declaration of the result of Main Examination. The stand of the Respondents is that, only candidates whose names appear in the Select List for recommendation shall be called for verification of documents.

(8.9) It appears that while preparing the list of candidates eligible for recommendation, the MPSC merely relied upon the entries made in the online application forms that was filled in for Preliminary Examination. It is evident that the MPSC has neither verified nor has even compared those online entries with the documents those were uploaded by the candidates. The Merit secured by the candidates is apparently positioned to a lower pedestal.

(8.10) Clause 13.2.(Four) comprised in the Advertisement No. 111/2023 for Main Examination re-iterates the same condition as is mentioned in the Preliminary examination advertisement notification.

It is not in dispute that the Petitioner was allowed to undergo both the phases from *Divyang* Category for which Domicile Certificate was essential in view of the Clause 8.2. (Two) of the Preliminary Examination advertisement notification and Clause 13.2 (One) of Main Examination advertisement notification.

As such, the MPSC is estopped to contend that the requisite documents including the Domicile Certificate were not uploaded while submitting the Forms for Preliminary as also for Main Examination.

(8.11) It is perturbing that the State Selection Machinery i.e. the MPSC has negligently discarded the actual data that is submitted by a candidate since filing of online applications for the first phase of recruitment i.e. the Preliminary Examination as also while submitting

the same form for Main Examination. It is a matter of grave concern that least consideration 'is given' to the Merit of the candidates. We are indeed disturbed to see how the recruitment process proceeded in the most mechanical way in the case in hand.

It is more alarming to learn that while preparing list of Selected Candidates for Consideration MPSC relied upon the formal inputs, and turned a blind eye to the documents uploaded by the candidates. It is farsighted that while preparing the list of candidates selected for consideration, the State Selection Agency which is a 'Commission' ought to have cautiously and sensitively verified the "Record" submitted by the candidates who crossed cut off marks and could be considered in the given proportion qua their merit for further consideration.

(8.12) In our view, the formal inputs uploaded at the stage of Preliminary or Mains, must not cause Petitioner's exclusion from the list of Selected Candidates for Consideration unless those are verified with the documents uploaded by the Petitioner. The requirement is that a candidate has to upload his Domicile Certificate - which the Petitioner has done in this case can be clearly seen from the facts of the case.

(8.13) It is pertinent to note that the Petitioner has not committed any fatal error while submitting the form for Preliminary Examination.

Typographical error was solely due to an inadvertent act on the part of the computer handler who uploaded Domicile certificate but ticked 'NO' before the column "Maharashtra Domicile Certificate?".

However, the fact cannot be ignored that the said application was entertained allowing the Petitioner only because the Domicile Certificate was already uploaded in view of compliance to Clause 8.2. (Two) and (Four) of the Preliminary Examination Advertisement cum notification No.01/2023. So, the only inconsistency was incorrect input against actual submission of Domicile Certificate.

(8.14) One has to be mindful that the Petitioner being a 100% visually impaired person with disability, the incorrect marking of "NO" against the column relating to the Domicile Certificate is clearly an unintentional and insignificant error in the peculiar facts. Such can never be the intention of a candidate seeking candidature from a particular Reserved Category, who would endorse the exact opposite remark which could disqualify the candidate from being considered from the said category. Such an entry cannot be construed as a cautious declaration by the Petitioner. The Petitioner cannot be penalized or victimized for a typographical mistake committed by the computer operator who assisted him due to his disability.

(8.14.1) We can make a profitable reference to the observations made by this Court in the case of ***Shabana Rashid Pinjari vs. Maharashtra Public Service Commission***¹ by its Judgment and Order dated 11th September 2025 authored by one of the learned Judges of this Bench (M. S. Karnik, J). It is observed thus:

“8. The Disabilities Act is a special law. The Disabilities Act is enacted with the laudable object of ensuring persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others. The respondent has to ensure that the persons with disabilities not only are not deprived of the laudable object for which the Disabilities Act is enacted but have a duty to ensure that every possible effort has to be made and a proactive approach is adopted reaching out to persons with disabilities and help them avail what is rightfully due to them as per the Disabilities Act. It is only then the salutary object in enacting this Act can be achieved.

9. The Disabilities Act is concerned exclusively with the rights of the disabled, ensuring empowerment of the disabled by promising equality and removal of discrimination in the spirit of the United Nations Conventions on the rights of the disabled and would override the provisions of any overlapping provision as contained in any general law. This is so held in Nipun Malhotra Vs. State (NCT of Delhi) 2018 SCC Online Del. 12005.”

(8.14.2) In the case of ***Shabana Pinjari*** (supra) the petitioner was also 100% blind candidate, who if had been allowed to change the preference, would have had an opportunity to be selected on her merit. In the said case, the computer handler who filled in the

¹ Writ Petition No. 6706 of 2025

application form for the petitioner therein, inadvertently ticked 'No Preference' before the column questioning preferential reservation. This input went unnoticed by the said petitioner as is the case in hand.

(8.14.3) This Court at paragraph No. 20 of the Judgment observed as follows:-

"20. In the present case, the Respondent by providing only a single option of appointing authority and that too in a post available for unreserved open category virtually obstructed the petitioner enforcing what is rightfully due to her under the Disabilities Act. The approach of the Respondent in this case should have been more liberal and proactive that too for a petitioner who is suffering 100% blindness. To provide an option of unreserved open category post when there are several options available which the petitioner could have exercised to be considered for appointment in the post reserved for persons with visual impairment, is nothing but a travesty of justice. The petitioner has taken a categorical stand that of all the 125 posts that are reserved for candidates with visual impairment, several candidates who secured scores lesser than that of the petitioner have been selected in the reserved posts. Had the Respondent properly applied the concept of reasonable accommodation envisaged by the provisions of Disabilities Act in this case, the petitioner would have been in a position to properly exercise the option of applying for the reserved post meant for visually impaired candidates. This was that extra effort expected of the Respondent, which would have helped achieve the object for which the Disabilities Act, 2016 came to be enacted."

(8.15) Every recruitment is initiated from submission of the first phase form i.e. the form for preliminary examination. The Main Examination is a continuation of the recruitment process that was already initiated from the Preliminary Examination.

Merely because both the examinations are conducted by issuance of separate advertisement does not mean that the data/inputs of either phase are to be discarded while considering the total candidature of a candidate for the final consideration. The MPSC cannot say that a candidate who participates in the Main examination could be one who did not participate the Preliminary examination. This is against its own condition stated at Clause No.9.5.1 of the Advertisement/Notification No.111/2023 published for Main Examination.

(8.16) A Selection Agency has to look into the entire data and inputs submitted by a candidate in both rounds, as a whole and that too, realistically. The object of employing multiple phases in the selection process i.e. Preliminary and Main Examination is to filter for more meritorious choices.

(8.17) Actual qualification is one thing which is to be supported with adequate proof. The information submitted in the online form are the formal 'Inputs', not conclusive proofs. The actual documentation/proof of qualification, eligibility etc. would prevail over and affect too, as the case may be, the formal inputs.

This is because the formal inputs in the form are subject to typographical errors. For that the Selection Machinery must undertake the filtering process in a realistic manner. As observed herein the MPSC's capricious policy to verify the testimonials/documents of a

candidate at indefinite stage perceptibly makes room for deprivation of merit even before being surfaced.

(8.18) It is very unfortunate that the MPSC has not even compared the both forms of Preliminary and Main examination, nor has even looked into the documents uploaded by the candidate to compare those with the input entries in the forms. While preparing the list of candidates selected for consideration, it is prudently expected that the State Selection Agency would meaningfully and mindfully verify the entire profile of the candidate who are being considered on the basis of merit. Entire profile means the forms and the data/documents uploaded by the candidates. If there is any discrepancy in the inputs in the form and the documents uploaded on the portal, the MPSC ought to have called the Candidate to explain the discrepancy. If data/documents are correct and adequate but error is with the inputs, as is in the case in hand, the MPSC has to act extreme cautiously.

(8.19) For a candidate whose entire record is from the State of Maharashtra that is uploaded on the Selection portal, remark "Yes/No" as to the 'Domicile Certificate' cannot be taken as fatal to the candidature itself. Compulsorily being domiciled in the State of Maharashtra on the date of application is not a disputable requirement put forth by the Selection agency. However, if there is such a formal and easily noticeable defect in the application of wrong input contrary

to the record, the MPSC which is a model Selection Machinery in the State, ought to have sensitively looked into the data submitted and uploaded by the candidate to substantiate his candidature, qualification, reservation, quota etc.

(8.20) We could see from Clause 13.1 (One) of the Advertisement/Notification No.111/2023 that a candidate only has an option to improve 'Educational Qualification' column while applying for Main Examination. Any change other than the educational qualification is forbidden by the instructions as well as in the system.

For these reasons, we record that the act of the MPSC in not placing the Petitioner in the subject-matter list corresponding to his merit, is not at all justifiable.

(8.21) In these circumstances, the exclusion of the Petitioner from the list of candidates eligible for recommendation for the subject post, solely on the basis of a technical and typographical input in the online application, warrants interference under Article 226 of the Constitution of India. Such apathetic approach of the State Selection Agency raises serious concerns, as it results in merit being sacrificed at the altar of technicalities, without affording an opportunity to a deserving and meritorious candidate to explain or rectify an inadvertent error.

For the reasons recorded hereinabove, we expect that the MPSC must improve the practice and procedure in the recruitment processes giving a heedful consideration to the observations we have recorded herein.

(8.22) In view of the above, we have no hesitation in holding that the MPSC needs to be directed to include the Petitioner's name in the list of candidates selected for recommendation for appointment to the subject-matter post.

(8.23) Before parting we deem it fit to record that,

(i) the subject matter post falls under the State Services and the issue raised in this Writ Petition concerns about appointment on a State Government job. We are mindful of the view of law laid down by the Hon'ble Supreme Court in the case reported as ***L. Chandra Kumar vs. Union of India***², which was recently reiterated in the case of ***Leelavathi N. & Ors. vs. State of Karnataka & Ors.***³, this Court would not have entertained the present petition, without the Petitioner frustrating his remedy before the Maharashtra Administrative Tribunal.

(ii) True that the Petitioner could have been directed to avail an alternative remedy under Section 15 of the Administrative Tribunals Act, 1985. However, considering that the Petitioner is a

² (1997) 3 SCC 261

³ SLP (CIVIL) NO(S). 27984-27988 OF 2023

100% visually impaired i.e. fully blind person residing in a remote village at Waghav, Taluka Panhala, District Kolhapur, and having regard to the urgency and the peculiar facts of the case, we are of the considered view that this is a fit case to exercise our extraordinary jurisdiction under Article 226 of the Constitution of India.

(iii) We find that the Petitioner is already a victim of poor assistance received by the Petitioner while submitting his online application form for the examination, and also of the hyper-technical specious approach of the MPSC in delisting the Petitioner. It is evident that the recruitment procedure in its last lap. The Petitioner is meritorious from his category. Under such circumstances we reasonably apprehend if at this juncture the Petitioner is relegated to the Learned Tribunal, the Petitioner may lose further time to agitate his grievance. Even a slightest technical error, may be unintentional, would reason to frustrate Petitioner's claim in another way.

(iv) We are thus of the firm opinion, that an absolutely indispensable demand of justice has been emerged constraining us to exercise of our extraordinary jurisdiction under Article 226 of the Indian Constitution to interfere into the issue.

As such we find that the Writ Petition deserves to be allowed.

(9) In view of this, we pass following order.

::ORDER::

- A. Writ Petition stands allowed.
- B. Respondent No.2– Maharashtra Public Service Commission is directed to immediately include Petitioner's name in the "List of Candidates Eligible/Selected for Recommendation" for the "Maharashtra Group-C Services Main Examination-2023" for the post of "Clerk-Typist" from the *Divyang* category, by treating the Petitioner as domiciled in the State of Maharashtra, corresponding to his meritorious performance.
- C. In the peculiar facts of the case, we direct that the recruitment process shall be completed only after incorporating the Petitioner's name in the said Selection List corresponding to his merit and then taking it to its logical end.
- D. In the event if the recruitment procedure is proceeded further during the pendency of this Petition, it shall not frustrate the right of the Petitioner. In any event, the Petitioner must be appropriately placed in the list of *Divyang* category candidates selected for the consideration for appointment, corresponding to his merit. This is because (i) any development in the recruitment procedure has been proceeded during the pendency of this Petition, (ii) MPSC has participated in the hearing, and (iii) we are informed that the appointment orders are not yet issued.

E. Rule made absolute in above terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

TALLE
SHUBHAM
ASHOKRAO

Digitally signed by
TALLE SHUBHAM
ASHOKRAO

Date: 2025.12.19
20:28:21 +0530