

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11128 OF 2026

1. **GANESH RAMKISAN BORUDE,**
 Age 31 years, Adult Indian habitant,
 R/at. Flat No. 501, 5th Floor, Sailata
 Building, Plot No. 277, Sector 24, New
 Mumbai – 410 206.
2. **VICKY KISHOR BOHARE,**
 age 33 years, adult indian habitant,
 R/at. New Pachpawli Police Quarter,
 G-502, Near Kamal Chack, Dist.
 Nagpur – 440017.
3. **SURAJ SIJAODDIN SHAIKH,**
 age 32 years, adult indian habitant,
 R/at. Rahimpur, Post Jikthan,
 Tq. Gangapur, Dist. Chhatrapati
 Sambhaji Nagar.
4. **RATNAKAR DATTATRAYA PADULE,**
 age 31 years, adult indian habitant,
 R/at. Kaudgaon, Post Domgaon,
 Tal. Paranda,
 Dist. Osmanabad – 413504.
5. **SANDIP PRABHU MESHRAM,**
 age 38 years, adult indian habitant,
 R/at. Suraksha Colony, Tapowan,
 Near Panchasheel Chowk, Amravati –
 444602.
6. **MANGESH DASHRATH SAWANT,**
 age 30 years, adult indian habitant,
 R/at. SRPF Camp, Nagpur Gr. 04,
 Hingna Road, Nagpur – 440016.
7. **SANJAY MUNJAJI LANDGEPATIL,**
 age 39 years, adult indian habitant,

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 SANJAY
 MORMARE

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R/at. Jawala, Shajpur, Po. Lohagaon,
Dist. Parbhani – 431402.

8. **MAYUR MACHCHHINDRA BHARTI**,
age 32 years, adult indian habitant,
r/at. 21 'A', Gauri Housing Society,
Government Milk Dairy Road, Dhule –
424001.
9. **SUNIL BABASAHEB GOLHAR**,
age 36 years, adult indian habitant,
R/at. Mohar Pratima 5050, E Building,
Flat No. 503, Talegaon Dhabade,
Tal. Maval, Dist. Pune – 410506.
10. **MAHESH MACHHINDRANATH
BALASAHEB BORHADE**,
age 36 years, adult indian habitant,
R/at. Jawala Kadlag Road,
At Po. Wadgaon, Landga,
Tal. Sangamner, Post Dhandharphal,
Dist. Ahmednagar – 422603.
11. **SATISH GOVINDRAO GITE**,
age 43 years, adult indian habitant,
R/at. Limboti, Tq. Loha,
District Nanded – 431705.

...PETITIONERS

~ versus ~

1. **STATE OF MAHARASHTRA THROUGH
THE SECRETARY**,
Home Department, Mantralaya,
Mumbai – 400032.
2. **THE DIRECTOR GENERAL OF POLICE**,
Shahid Bhagat Singh Marg, Colaba,
Mumbai – 400001.
3. **THE MAHARASHTRA PUBLIC
SERVICE COMMISSION**,
Through The Secretary,
Trishul Gold Field, Plot No. 34,
Sector 11, Opp. Sarovar Vihar,

Belapur Cbd, Navi Mumbai – 400614.

4. **PATIL BHAGWAT HARIDAS,**
r/at. Pimpalgaon Kh. Po. Wakod,
Jamner, Jalgaon – 424205.
5. **SAGAR SUPRIYA DILIP,**
r/at. Ajagar Ali Plot No. 358,
Balaji Nagar, Umarga M Cl.,
Umarga, Dharashiv – 413606.
6. **SHAIKH FIROZ ABDUL MAJID,**
R/At. Plot Naregaon, Rajendra Nagar,
Aurangabad – 431001.
7. **GANDRAKOTA SAMPAT ASHOK,**
R/At. Mu. Janampalli, Post Janamalli,
Taluka Sironcha, Dist. Gadchiroli –
442504.
8. **KALE KISHOR DEVIDAS,**
R/At. Hingane Pimpri, Sayee Krupa,
Main Road, Gopal Jj,
Jamner, Jalgaon – 424209.
9. **GOLHAR PRADIP DILIP,**
Permanent Residing At: Jawalwadi,
Post Kharwandi Kasar, Tal. Pathardi,
Dist. Ahmednagar – 414113.
Currently Residing At: Room No. 52, A
Wing, Teen Dongari, Police Quarter,
M.G. Road, Goregaon West,
Mumbai – 400062.
10. **PADAVALE RAMAKAJI JAKU,**
permanent residing at: at post
shirnadgi, maroli road, waghmode
wasti, mangalvedhe, solapur –
413322.
Currently residing at: Room No. 101,
Shree Swami Samarth Complex,
Dwarli Pada, Malang Gadh Road,
Waghmode Wasti, Kalyan E,
Ambarnath – 421306.

11. **GADEKAR DNYANDEV VINAYAK**,
permanent residing at: post chikhali,
chikhali road, kinhavali, shrigonda,
ahilyanagar – 413728.
Currently Residing At: B-402,
Ashirwad Homes, Shinde Wasti, Ravet
Chikhali Pipeline Road, Pimpri,
Chinchwad, Haveli, Pune – 412101.
12. **SHIVALE AJINKYA DEVIDAS**,
R/At. Tulapur, Shivale Sadan,
Alandi Road, Ganesh Nagar, Haveli,
Pune – 412216.
13. **KHANDE RAJABHAU BHAURAO**,
R/At. Mhalasapur, Mahalas Jawala,
Dist. Beed – 431122.
14. **GARJE ASHOK GAHINATH**,
Permanent Residing At: Post Khilad,
Tal. Ashti, Dist. Beed – 414208.
Currently Residing At: Sai Krupa
Valley, B1, Room No. 403,
Chinch Ali, Neral, Taluka Karjat,
Dist. Raigad – 410101.

...RESPONDENTS

APPEARANCES

For the Petitioners	Mr. Anil Anturkar, Senior Advocate i/b Adv. Yatin Malvankar.
For the Respondent No. 4, 5, 7 to 14	Mr. Anil Sakhare, Senior Advocate, with Shrikant Patil, Arjun Pawar & Rohan Bhondave.
For The Respondent No. 3	Mr. Ashutosh M Kulkarni, with Krutik R Chavan.
For the Respondent-State	Ms. Kavita N Solunke – Addl.GP, with R. M. Shinde, AGP.

CORAM : SUMAN SHYAM &
GAUTAM A. ANKHAD, JJ.

RESERVED ON : 30th SEPTEMBER 2026.
PRONOUNCED ON : 16th OCTOBER 2026.

JUDGMENT (Per Suman Shyam, J):-

1. Rule. Rule made returnable forthwith. By consent of the parties, the Petition is taken up for final hearing.

2. The 11 (eleven) Writ Petitioners, who are presently serving as Police Constables, have filed the present Writ Petition, challenging the judgment and order dated 12th August 2026 passed by the learned Maharashtra Administrative Tribunal, (“Tribunal”) Mumbai, in Original Application No.472 of 2026. By the impugned judgment and order, the learned Tribunal has dismissed the Original Application filed by the Petitioners challenging the revised criteria employed for assessing the marks awarded to them in the 800 meters running event conducted as part of the Physical Test for recruitment in the post of Police Sub-Inspector, through Limited Departmental Competitive Examination, 2023 (“PSI-LDCE-2023”).

3. The facts and circumstances of the case, giving rise to the filing of the present Writ Petition, shorn of unnecessary details, are as hereinunder.

4. The Respondent No. 3-Maharashtra Public Service Commission (“MPSC”) had issued Advertisement No.052/2023 dated 8th September 2023, for filling up 615 number of posts of Police Sub-Inspectors, through the Limited Departmental Competitive Examination (“LDCE-2023”). The Petitioners, along with other eligible candidates, participated in the LDCE-2023. They appeared in the Preliminary Examination (“PE”) held on 10th December 2023. Upon declaration of the results of the PE on 29th August 2024, the Petitioners were found to have qualified.

5. Thereafter, the MPSC had issued Advertisement No.047/2024 dated 20th September 2024 for the Mains Examination for the PSI-LDCE-2023. The Mains Examination was conducted on 29th December 2024 and the result of the same was declared on 9th May 2025.

6. On 2nd April 2026, MPSC issued a notification for holding the Physical Test. Appendix-A and Appendix-B appended to the said

notification had laid down the marking criteria to be employed for the Physical Test. The Physical Test was conducted from 15th April 2026 to 30th April 2026 under the supervision of a five-member Committee headed by its Chairman. The committee consisted of officers from the Sports as well as the Police Department. The said committee was constituted by following the guidelines laid down in Government Resolution (G.R.) dated 27th September 2017. The score sheets (day end report) bearing the signatures of the candidates as well as the members of the Committee were prepared on day to day basis. The Physical Test was for 100 marks in total, comprising of four events for the male candidates, viz. 800 meters running race carrying 50 marks, pull-ups carrying 20 marks, shot-put carrying 15 marks and long jump carrying 15 marks. The minimum qualifying mark was prescribed as 45 out of 100 marks.

7. The controversy in the present Petition is pertaining to the manner in which time recorded in the 800 meters running event was applied for the purpose of awarding marks for that event. As per Appendix-A to the Notification dated 02nd April 2026, candidates who had completed the 800 meters running race in less

than 2 minutes 30 seconds were to be awarded 50 marks whereas those, who had clocked more than 2 minutes 30 seconds, were to be awarded 44 marks. According to the Petitioners, their performance in the 800 meters event was correctly recorded through the electronic timing system and they were allotted 50 marks each. The time taken and the marks scored by the candidates including the Petitioners were declared on the spot and the relevant score sheets were also signed by the candidates which were countersigned by the Physical Test Committee by applying the criteria of minutes and seconds. However, by subsequently revising the time so recorded by applying milliseconds, the Petitioners were eliminated from the provisional select list. This, according to the Petitioners, tantamounts to changing the rules of selection after the test was held and hence, was impermissible in the eyes of law.

8. On 30th April 2026, the General Merit List and the Provisional Select List were published and the names of the Petitioners were included therein.

9. According to the Petitioners, after publication of the General Merit List and the Provisional List, objections were received from

certain candidate(s). Thereafter, on 20th May 2026, the MPSC had issued a Circular informing the candidates regarding revision of the marks awarded in the 800 meters running event by considering the precise digital timing including milliseconds, pursuant whereunto, the marks of the candidates were revised. As such, by applying the criterion of milliseconds, it was found that the Petitioners took in excess of 2 minutes 30 seconds to complete the race. Accordingly, their marks in the 800 meters event were reduced from 50 to 44, as a result of which, the Petitioners names were deleted from the final selection list and the names of the private Respondents were included in Sr. Nos. 604 to 614.

10. The stand of the MPSC, on the other hand, is that after representation(s) was/were received from the candidate(s), the timings of the male candidates were re-verified and it was detected that although the digital clock had recorded the timing of the running race (800 meters.) in minutes, seconds and milliseconds, yet, during tabulation, the time in milliseconds were ignored which had produced an erroneous result. As such, the marks were revised by taking into consideration the precise timing in minutes, seconds and milliseconds, whereafter, the correct position had emerged.

According to the MPSC, the corrections were made so as to maintain authenticity and transparency in the selection process and the 800 meters marks were revised by invoking powers under Rule 16 of the Rules of Procedure of the Commission, 2014. It is also the case of the MPSC that it was permissible to invoke Rule 16 so as to rectify a mistake which initially went undetected. Accordingly, on 20th May 2026, the MPSC had revised the results on the basis of the revised timings in milliseconds and the revised marks were published, as a result of which, the Petitioners got excluded from the final select list, whereas the private respondents came to be included as they had secured higher marks.

11. Being aggrieved by the reduction of their marks and their consequent exclusion from the final merit list, the Petitioners had approached the Tribunal, at Mumbai, by filing Original Application No.472 of 2026, wherein they had challenged the revised marks and the consequential revision of the merit/select list and had also sought restoration of their original position as in the provisional select list.

12. The Learned Tribunal, by the judgment and order dated 12th August 2026, dismissed the Original Application No.472 of 2026,

inter alia, observing that the MPSC had the power under Rule 16 of the Rules of Procedure to take corrective measures by revising the day-end reports and the select list, by recording a finding that the omission to record the exact timing in minutes, seconds and milliseconds was an error, the rectification of which, fell within the scope of Rule 16.

13. Aggrieved by the judgment and order dated 12th August 2026 passed by the Tribunal, the Petitioners have approached this Court by filing the present Writ Petition.

14. Mr. Anil Anturkar, learned Senior Counsel appearing for the Petitioners, has argued that the subsequent revision of marks was undertaken without disclosure of the relevant records, methodology or electronic data and without notice or opportunity of hearing to the Petitioners. Therefore, the action of MPSC amounted to alteration of the method of calculation after the Physical Test was completed. The learned Senior Counsel has, therefore, argued that in the absence of any error or discrepancy in the electronic timing system, the marks declared at the Physical Test could not have been subsequently reduced/ or altered by the MPSC.

15. The learned Senior Counsel for the Petitioners, by placing reliance upon Clauses 5.5.2 and 5.5.3 of the General Instructions, has further argued that the marks awarded and declared on the spot were to be treated as final. As such, subsequent revision of marks would amount to alteration of the criteria after the commencement of the selection process and hence, was contrary to the settled principle that “the rules of the game cannot be changed after the game has begun”. In support of his above arguments, Mr. Anturkar has relied upon the judgments of the Hon’ble Supreme Court in *K. Manjusree v. State of Andhra Pradesh & Anr.* [AIR 2008 SC 1470] and *Prabhjot Kaur v. State of Punjab & Ors.* [2025 SCC OnLine SC 761].

16. It was further submitted by Mr. Anturkar that neither the advertisement, Annexure-A to the Call Letter nor the General Guidelines, provided for subsequent conversion of the recorded timings or revision of marks in the manner done by the MPSC. According to the learned Senior Counsel for the Petitioners, his clients had participated in the Physical Test by relying upon the notified criteria. Based on the marks awarded, the Petitioners were

included in the Provisional Select List. Therefore, the subsequent reduction of marks was arbitrary and illegal.

17. It is also the submission of Mr. Anturkar, that the record maintained by the Physical Test Committee could not have been unilaterally altered and/or tinkered with by the MPSC without involving the Committee. It was further contended that the mechanism contemplated under the Circular dated 27th September 2017 ought to have been followed in letter and spirit and even if any change in the day-end report was called for, the same ought to have been done by the committee itself. According to the learned Senior Counsel, Rule 16 of the Rules of Procedure could not have been invoked by the MPSC to undertake a substantive reassessment or revision of the finalized marks. As such Mr. Anturkar submits that, the Tribunal has erred in treating it as “accidental slip” or “omission” so as to validate such recalculation of marks in exercise of power under Rule 16.

18. To sum up his arguments, Mr. Anturkar has submitted that the learned Tribunal has failed to properly consider the advertisement notice, Annexure-A and the General Guidelines while determining the relevance of milliseconds. Therefore, the

impugned order is vitiated by complete non-application of mind and misapplication of the provisions of the Rules of Procedure.

19. Mr Anturkar, has taken an additional plea to assail the impugned Notification dated 20th May 2026 by submitting that even if it is assumed that under Rule 16 of the Rules of Procedure, it was permissible to rectify the defect in the General Merit List by carrying out revision of the same, even in that case, the said power would lie exclusively with the MPSC headed by its Chairman and not upon the Deputy Secretary, who has unilaterally issued the Notification dated 20th May 2026. The impugned Notification dated 20th May 2026 according to Mr. Anturkar, is liable to be set aside solely on the ground that the official issuing the same was not competent under the law to do so.

20. Mr. Ashutosh Kulkarni, learned Counsel appearing for Respondent No.3, on the other hand, has submitted that the exercise undertaken by the Commission after publication of the Provisional Selection List did not amount to any change in the methodology of awarding marks in the Physical Test or reassessment of the physical performance of the Petitioners. He has submitted that the digital system had contemporaneously recorded

the running time in minutes, seconds and milliseconds and that the subsequent exercise was confined only to correcting the inadvertent omission of the millisecond component which was initially not applied in the day end report of the male candidates. According to the learned Counsel, the notified marking pattern had remained unchanged and the marks were revised only by applying the correct and precise digitally recorded timing of the candidates. It was further submitted that the Petitioners had not disputed the accuracy or authenticity of the revised timings recorded against their names. As such, the decision of the MPSC cannot be faulted on any of the grounds urged in the Writ Petition.

21. Mr. Anil Sakhare, learned Senior Counsel appearing for the Private Respondents, while supporting the impugned judgment as well as the action of the Commission, has submitted that the correction of the marks did not constitute any change in the “rules of the game” as has been alleged. There has been no change in the eligibility condition, qualification, physical standard or marking criterion nor has the selection criteria been altered after commencement of the selection process. According to Mr. Sakhare, the criteria contained in the Notification dated 2nd April 2026 have

been properly applied by employing the precise digitally recorded timing of the candidates. The learned Senior Counsel has further submitted that the precise digital timing was not a new or unexpected methodology and that such timing upto the milliseconds had been used even in earlier LDCE recruitment, in which, some of the Petitioners had also participated. According to Mr. Sakhare, the reliance placed by the Petitioners on *K. Manjusree (Supra)* and *Prabhjot Kaur (Supra)* was misplaced, as the present case did not involve introduction of any new criterion or alteration of the conditions of selection after the commencement of the recruitment process.

22. The learned Senior Counsel for the Private Respondents has further argued that no vested right accrued in favor of the Petitioners on the basis of the marks reflected in the General Merit List or the Provisional Select List, since the same were always subject to verification and correction before finalization. Therefore, he has argued that the provisional allotment of 50 marks to the Petitioners, being dehors the criterion of millisecond component, was clearly erroneous, which was rightly rectified by the MPSC in the Final Merit List. Mr. Sakhare has further argued that since the

MPSC has employed a predetermined and transparent criteria, no prejudice has been caused to the Petitioners. Hence, no prior hearing was necessary in this case before carrying out the correction, particularly when the Petitioners had not demonstrated that the revised digital timings were fabricated, manipulated or technically incorrect.

23. We have considered the submissions made at the Bar and have also gone through the material available on record.

24. As would be apparent from the facts and circumstances of the case alluded to hereinbefore, the core controversy in this case pertains to the validity of the exercise carried out by the MPSC leading to the revision of the merit list whereby, the names of the Original Applicants/Petitioner were excluded, although their names were initially included in the 'General Merit List' and the 'Provisional Merit List' published on 30th April 2026. According to the Petitioners, carrying out amendments in the merit list, subsequent to publishing the same, amounts to "changing the rules of the game" after the same has been played. The MPSC, on the other hand, has disputed such contention and has projected that in view of the provisions of Rule 16, it had the power to correct any

unintentional error/mistake in the merit list. Since the controversy basically pertains to awarding of marks to the candidates in the category of 800 meters running race, which was one of the components of the physical tests, it would be necessary for this Court to deal with the marking pattern employed in the said test.

25. The Notification dated 2nd April 2026 issued by the Deputy Secretary of MPSC (post examination), contained Annexure-A as well as Annexure-B laying down the marking criteria in the running race for the male and the female candidates, respectively. The criteria prescribed the marks to be awarded in the 800 meters running race for male candidates, in Annexure-A, which is quoted hereinbelow, in tabular form, for ready reference:-

The time taken to complete the full run of 800 meters	Marks
2.30 minutes or less...	50
More than 2.30 minutes but less than 2.40 minutes or less than it ...	44
More than 2.40 minutes but less than 2.50 minutes or less than it ...	37.5
More than 2.50 minutes but less than 3.00 minutes or less than it ...	31
More than 3.00 minutes but less than 3.10 minutes or less than it ...	25
More than 3.10 minutes but less than 3.20 minutes or less than it ...	19
More than 3.20 minutes but less than 3.30 minutes or less than it ...	12.5
More than 3.30 minutes	0

26. From the above table, it is apparent that marks were to be allotted to the candidates, “block-wise”, depending on the category in which they ended up, based on the timing clocked by such candidates in the 800 meters race. By following the above criteria, all the 11 Petitioners were initially found to have completed the race within 2 minutes 30 seconds and were awarded 50 marks each. Based on such marking, the names of the Petitioners were also included in the ‘General Merit List’ and the ‘Provisional Merit List’. However, in the wake of the complaint made by some of the candidates, the MPSC had reviewed the matter and found that although the day-end report was supposed to record the timing in the format of minute, seconds and milliseconds, timing in the format of milliseconds was not recorded. Accordingly, a decision was taken to apply the precise timing of the candidates in the running race as per minute, seconds and milliseconds since such criterion was originally supposed to be applied in case of all candidates. When milliseconds were applied, it turned out that the Writ Petitioners had all taken in excess of 2 minutes 30 seconds to complete their race. As such, instead of 50 marks, each of them ought to have been awarded 44 marks. On the contrary, it was

found that the private Respondents had completed the 800 meter race in less than 2.30 minutes and, therefore, they were entitled to retain 50 marks each on such count. After the aforesaid corrections were carried out, the Petitioners were automatically excluded from the final list and in the merit list, and in their place the private Respondents were included since the private Respondents had scored more marks in the 800 meter running event.

27. On a pointed query made by this Court, Mr. Anturkar, learned senior counsel appearing for the Petitioners has submitted, in his usual fairness, that it is not the case of the Petitioners that they have been replaced in the select list by the Respondents who had scored lesser marks. The only issue raised by Mr. Anturkar is pertaining to question as to whether, having published the provisional list, it was permissible for the MPSC to revise the same unilaterally, that too without giving any opportunity to the Petitioners to show cause.

28. In the above context, it would be pertinent to note herein that Rule 16 of the Rules of Procedure of MPSC confers power to the Commission to correct mistakes. Rule 16 reads as follows:-

“16. Power of the Commission to correct the mistake.-

The Commission may correct any clerical, typographical, arithmetical or other mistake in the rank list, advice list or short list etc. or errors arising therein from any accidental slip or omission at any time, either on its own motion or on the application of any of the concerned.”

29. Taking note of the stand of the MPSC that there was an unintentional error on the part of the Committee constituted under the GR dated 27th September, 2017 to record the timing upto milliseconds resulting into an obvious error in the outcome of the merit position and that MPSC being an authority constituted under Article 315 of the Constitution of India, was duty bound to rectify such error, the learned Tribunal has held that failure to apply the additional milliseconds was an omission on the part of the members of the Committee and therefore, the MPSC had the power under Rule 16 to take corrective measures by revising the day end reports leading to the revision of the Select List itself. The relevant observations of the Tribunal, in paragraph No. 23 of the impugned judgment and order dated 12th August 2026, is reproduced hereinbelow for ready reference:-

“23. Even if such mistakes are described as should be due to 'accidental slip' or 'omission', in our considered view these words would take within its sweep the fact situation like the matter in hand, where the marks were allotted by the committee while preparing the day end reports without

recording the time in milliseconds. If one bears in mind the fact that by virtue of notification dated 02.04.2026 (Exhibit-C) Appendix C, 50 marks could have been awarded to only such candidates who were to cover 800 meters distance in 2 minutes and 30 seconds or less. The candidates completing the distance in more than 2 minutes and 30 seconds and in 2 minutes and 40 seconds or less, were to be awarded 44 marks. There is no room for any discretion in the committee to overlook the milliseconds more taken by a candidate in covering 800 meter distance. Considering the scheme of marking, even a fraction of milliseconds more taken by a candidate for completing the distance in more than 2 minutes and 30 seconds would be decisive and should have been considered by the members. of the committee who simply signed the day end reports without ensuring that candidates like the applicants have taken more than 2 minutes and 30 seconds and had not covered the distance in 2 minutes and 30 seconds or less. Naturally, since the time was recorded in minutes and seconds, ignoring additional milliseconds taken by them, they were all awarded 50 marks. We, therefore, are of the confirmed view that it was clearly an omission on the part of the members of the committee to record exact time in minutes, seconds and milliseconds and to allot marks overlooking the additional milliseconds taken by these applicants in covering the distance. If this was so, the M.P.S.C. had powers under Rule 16 of the Rules of Procedure to take corrective measures by revising the day end reports and by revising the select list.”

30. Since it is not in dispute that all the Petitioners had taken more than 2 minutes 30 seconds to complete the 800 meter race, as per the marking criteria laid down in the notification dated 02nd April 2026, none of them could have been awarded 50 marks for the said event. Rather, they were entitled to 44 marks only. Viewed from that angle, the original marking awarded to the Petitioners was clearly erroneous and the same has occurred purely on account of failure on the part of the Committee to record the

timing in milliseconds in the day end report, which fact has also been rightly noted by the Learned Tribunal. Having regard to the peculiar facts and circumstances of the case, we do not find any justifiable ground to take a different view in the matter.

31. It is to be noted herein is that the revision carried out in the day end report did not amount to tinkering with the data which was originally recorded by the Committee on the basis of inputs of digital timing provided by the service provider, but the same had resulted in recording the data in a more accurate format, i.e., upto milliseconds. Recording the data upto milliseconds cannot be considered either as being contrary to the scheme of marking criterion, nor is the same in conflict with the notified procedure for preparing the merit list of successful candidates. Since the entire exercise was aimed at giving higher marks to the faster candidates and considering the fact that recording the time by using milliseconds was aimed at producing a more precise and accurate results, enabling the MPSC to segregate the successful candidates from those who were unsuccessful, it cannot be said that the exercise carried out by the MPSC was in any manner contrary to the notified criteria or illegal. It is not the case of the Petitioners

that the notification dated 20th May, 2026 had been issued by the MPSC with a *mala fide* intention to cause injury to the Petitioners.

32. There is yet another aspect of the matter which deserves a mention herein. The Petitioners have failed to demonstrate that the impugned exercise carried out by the MPSC in revising the final merit list has caused any prejudice to them. It is not the case of the Petitioners that the data relied upon by the MPSC for arriving at the above conclusion was either contaminated or inaccurate nor is it their case that the Petitioners had completed 800 meters race in lesser time than the Respondents or for that matter, they had completed the 800 meter running race in less than 2 minutes 30 seconds so as to score 50 marks.

33. As noted above, it is correct that initially in the day end report, the timings were not recorded in terms of milliseconds as a result of which all the Petitioners were shown to have clocked 2 minutes, 30 seconds and accordingly, were awarded 50 marks each. However, once the milliseconds criteria was employed, it turned out that each of them had taken time in excess of 2.30 minutes and therefore, were entitled to only 44 marks each. The exercise carried out by the MPSC had therefore, resulted in

bringing out the results of the running race with more clarity and accuracy, thus, placing the candidates scoring higher marks in the final merit list. Therefore, carrying out correction of a *bona fide* error in awarding marks by applying the modified criteria in our considered opinion, cannot even remotely be termed as changing the rules of game nor can the same be said to have caused prejudice to the interest of the Petitioners in any manner. Rather, by carrying out the aforesaid exercise, the MPSC has given preference to the candidates who had scored higher marks than the Petitioners.

34. In so far as the plea regarding incompetence on the part of the Deputy Secretary, to issue the notification dated 20th May, 2026 is concerned, the aforesaid plea is also found to be unacceptable on account of the fact that the MPSC, by filing Affidavit has, clarified that it was the decision of the Commission which was given effect to, through a notification issued by the Deputy Secretary. Therefore, it cannot be said that the power under Rule 16 was not exercised by the MPSC but only by an official of the Commission in his individual capacity.

35. In so far as the failure on the part of the Commission to

obtain the signature of all the members of the Physical Test Committee in the revised day end report is concerned, the learned Tribunal has elaborately dealt with the said aspect of the matter and by recording cogent reasons, has held that the same would not have any vitiating effect on the outcome of the selection process.

36. It is to be noted herein that the power under Rule 16 of the Rules of Procedure is available to the commission to rectify any mistake. Therefore, once a “mistake”, “accidental error” or “omission” is detected by the MPSC, which had the effect of producing an erroneous result, it is *axiomatic* that such error must be corrected as otherwise, the same would result in injustice to the candidates, who had scored higher marks. The power of the MPSC under Rule 16 cannot be held to be subject to fulfillment of any other technical requirement such as obtaining the signature of all Committee Members in the revised day-end reports. Moreover, the circumstances under which the signature of the Committee Members could not be obtained in the revised day-end report had also been placed before the learned Tribunal, which, in our opinion, offers sufficient justification. The learned Tribunal had also accepted the same. Therefore, we do not find any valid

ground to disturb the finding recorded by the learned Tribunal on the above issue.

37. For the reasons stated hereinabove, the Writ Petition is held to be devoid of any merits and the same is accordingly dismissed.

38. Consequently, the ad-interim order passed earlier in this case stands vacated.

39. Parties to bear their own costs.

(GAUTAM A. ANKHAD, J.)

(SUMAN SHYAM, J.)