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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 18824 OF 2024

Nilesh Babasaheb Bhonde ...Petitioner
Versus
The State of Maharashtra and Anr. ...Respondents

Mr. Kashyap Bhalerao a/w. Mr. Abdul Shaikh for the Petitioner.
Mrs. D.S. Deshmukh, AGP for Respondent No.1.
Ms. Pranali Kakade for Respondent No.2.

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

DATED: 12th OCTOBER 2026.

PC:-

1. The Petitioner challenges the judgment and order dated 26th July 2024 passed by the Maharashtra Administrative Tribunal (“**the Tribunal**”), which confirmed the order / declaration of Respondent No.2 that the Petitioner had resorted to copying during the examination for the post of Police Sub-Inspector. However, considering that punishment of permanent debarment was disproportionate, the learned Tribunal modified the punishment and directed that the Petitioner be debarred from appearing in one examination, apart from the examination for the

post of Police Sub-Inspector which he had already taken. Aggrieved by the modified punishment, the Petitioner has filed this Petition.

2. The facts in a nutshell are that the Petitioner joined the Police on 22nd August 2016 as an Assistant Police Sub-Inspector (Wireless). Pursuant to an advertisement issued by Respondent No.1, he appeared for the Preliminary Examination for the post of Police Sub-Inspector on 16th April 2022 and secured 56.25 marks out of 100. On 4th November 2022, Respondent No.2-MPSC issued a show-cause notice alleging that the Petitioner had acted in breach of Instructions Nos.9.1(6), (8), (12) and (13) of the General Instructions to candidates, which prohibits unfair practices in the examination. After considering the reply of the Petitioner, Respondent No.2, by his order dated 10th February 2023, had declared the Petitioner ineligible and permanently debarred him from appearing in the examinations on the ground that the Petitioner had resorted to copying.

3. The Petitioner challenged the debarment by filing Original Application No.348 of 2023 before the Tribunal. After considering the record, including the CCTV footage of the examination centre, the Tribunal had found that the Petitioner had engaged in copying by conversing with other candidates during the examination. It nevertheless

held that permanent debarment was disproportionate in the circumstances and modified the punishment to debarment from one examination, apart from the examination for the post of Police Sub-Inspector, which the Petitioner had already undertaken. The Petitioner has approached this Court challenging this decision of the Tribunal.

4. Mr. Bhalerao, learned counsel for the Petitioner, submits that the allegations against the Petitioner are premised entirely on CCTV footage, which footage has not been supplied to him. He contends that the Petitioner had a different set of multiple-choice questions as regards the other candidates sitting around him and therefore, there was no scope of cheating. According to him, the Petitioner had merely informed other candidates of the time when asked and had no intention to assist them in answering their questions. No complaint was made by the Supervisor, and that the action taken by Respondent No.2 is disproportionate, considering that the Petitioner had qualified in the examination and the physical tests that were conducted thereafter. Lastly, the learned counsel contends that the allegation of copying would cast a stigma on the Petitioner and adversely affect his otherwise unblemished service career. On these grounds, he submits that the impugned order ought to be quashed and set aside.

5. Ms. Deshmukh, learned AGP, has relied upon the affidavit in reply dated 22nd September 2025 and opposed the Petition. She submits that the CCTV footage, covering the period from 11:19:56 AM to 12:02:50 PM, shows the Petitioner repeatedly engaging in communicating with other candidates during the examination. The footage is available and can be produced before this Court, if required. The Respondent No.2 issued show-cause notices to the concerned persons who indulged in unfair practices during the examination, considered their explanation and thereafter debarred eleven candidates, including the Petitioner, from appearing in its future examinations. According to the learned AGP, the Tribunal has independently examined the footage and recorded its findings. These findings are factual and ought not to be disturbed by this Court. The Tribunal has already taken a lenient view and granted the Petitioner substantial relief by setting aside permanent debarment. Therefore, submits Ms. Deshmukh, this Petition is an abuse of the process of law and hence, ought to be dismissed with exemplary costs.

6. We have considered the rival submissions and perused the record.

7. It is settled law that in judicial review, a Writ Court can not reappreciate evidence as an appellate authority. Interference would be warranted only on limited grounds such if the findings were unsupported

by the material, perverse, or in breach of principles of Natural Justice. No such infirmity has been demonstrated in this case. Respondent No.2 has complied with the principles of Natural Justice by issuing a show-cause notice and calling for replies of the Petitioner. It debarred the Petitioner upon reviewing the CCTV footage of the examination centre. In our view, the Tribunal's finding is not based merely on an unsubstantiated allegation. The Tribunal has also independently viewed the CCTV footage and recorded a specific finding that the Petitioner intermittently conversed with other candidates during the examination. Such conduct of the Petitioner was undoubtedly contrary to the General Instructions to the candidates and hence, is capable of being treated as unfair means adopted during the examination. What was the nature of such conversation and who is the beneficiary of the same, in the given circumstances, would be wholly irrelevant. Therefore, the contention of the Petitioner that he had merely stated the time when asked, does not displace the factual finding recorded by the Tribunal after reviewing the CCTV footage. This Court cannot act as an appellate court and interfere with the concurrent findings of fact recorded to the effect that the Petitioner had indulged in unfair practices.

8. As regards the grievance that the CCTV footage was not supplied to the Petitioner, the record shows that the Tribunal itself examined the

footage. The Respondents in their affidavit in reply have affirmatively stated that they are willing to produce the CCTV footage before this Court. Perhaps being conscious of the outcome, the Petitioner has elected not to demand the same. We do not, therefore, find sufficient ground to accept the above plea of the Petitioner.

9. In our view, the Tribunal has adopted a balanced approach in interfering with the punishment of a permanent disqualification bearing in mind the consequences same would have on an in-service candidate. The Petitioner has not been able to show that this approach is legally unsustainable or that the modified penalty is also disproportionate. His mere concern that the penalty may affect his service career does not merit an order from this Court, setting aside the modified punishment imposed by the Tribunal.

10. For these reasons, we find no perversity, procedural irregularity or error warranting interference under Article 226 of the Constitution of India. The Petition is devoid of merit and is dismissed.

11. Considering the fact that the Petitioner has had an unblemished career so far, we refrain from imposing costs in this matter.

12. Parties to bear their own cost.

(GAUTAM A. ANKHAD, J.)

(SUMAN SHYAM, J.)