

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11426 OF 2023

. Sushil S/o. Shankarprasad Pandey,
Age: 30 years, Occ.: Education,
R/o. At Post Nagarsoga,
Tq. Ausa, Dist. Latur ...Petitioner

Versus

1. The State of Maharashtra
Through its Principal Secretary,
School Education and Sports Department
Mantralaya, Mumbai-32
2. The Commissioner of Education
Maharashtra State Examination Council,
Administrative Building,
17, DR. Ambedkar Road, Near Lal Dewala,
Pune-01
3. The Deputy Commissioner / Member Secretary,
Teachers Aptitude and Intelligence Test (TAIT)
Maharashtra State Examination Council,
Administrative Building,
17, DR. Ambedkar Road, Near Lal Dewala,
Pune-01 ...Respondents

...

Mr. Mr. T. M. Venjane a/w. Mr. Vikrant S. Valse, Advocate
for the petitioner

Mr. S. R. Yadav Lonikar, A.G.P. for Respondent No.1

Mr. A. R. Nikam, Advocate for Respondent Nos.2 & 3

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**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ.
& ARUN R. PEDNEKER, J.**

DATE : 15th SEPTEMBER, 2023.

P.C. :

1. Heard Mr. T. M. Venjane along with Mr. Vikrant S. Valse, learned counsel for the petitioner, Mr. S. R. Yadav Lonikar, learned A.G.P. for respondent no.1 and Mr. A. R. Nikam, learned counsel for respondent nos.2 and 3.

2. By the present writ petition under Article 226 of the Constitution of India, the petitioner is seeking relief as prayed in prayer clauses 'B' and 'C', which are as under:

"B] This Hon'ble Court by issuing writ of mandamus or any other writ in the like nature, may kindly direct to the respondents to permit the petitioner for self certification on Pavitra portal from Economically Weaker Section (EWS) Category or Open Category.

C] Pending hearing and final disposal of this Writ Petition, be pleased to direct the respondents to permit the petitioner for self certification on Pavitra portal from Economically Weaker Section (EWS) Category."

3. It is the case of the petitioner that he is educationally qualified to be a teacher and he submits that

for filling the posts of teachers in the schools the Maharashtra State Examination Council conducts examination of Teachers Aptitude and Intelligence Test (TAIT). On 31.01.2023 an advertisement along with guidelines was published for examination of TAIT. As per the guidelines in clause 4, a candidate is permitted to submit one application, however, in case multiple applications are submitted by a candidate, only the latest valid (completed) application would be accepted and the application fees / intimation charges paid for the other multiple registrations would stand forfeited. Clause 4 of the Guidelines (Instructions) is quoted hereunder:

"Not more than one application should be submitted by any candidate. In case of multiple applications, only the latest valid (completed) Application will be retained and the application fees / intimation charges paid for the other multiple registration(s) will stand forfeited."

4. The Maharashtra State Examination Council also issued further online instructions along with the call letter and clause 14 of the instructions provides that a candidate is allowed to appear only once in the online examination. Instructions further provide that multiple appearance in online examination will result in cancellation of candidature.

It is also provided that in case more than one call letter is generated, candidates are advised to appear only once at the time mentioned in the call letter and all other call letters were required to be surrendered.

5. For ready reference clause 14 of the instructions issued with the call letter is quoted below:

"14. Please note that a candidate is allowed to appear only once in the online examination. Multiple appearance in online examination will result in cancellation of candidature. In case more than one call letter has been generated candidates are advised to appear only once on the date and at the time mentioned on the respective call letter. All other call letters are to be surrendered."

6. The petitioner applied for TAIT examination on 02.02.2023 in open category and again applied on 12.02.2023 in Economically Weaker Section (EWS) category. On 27.02.2023, the petitioner answered the TAIT examination online as an open category candidate and on 01.03.2023, the petitioner answered the TAIT examination online as an EWS category candidate.

7. On 01.09.2023, the Maharashtra State Examination Council published instructions on its website

for completion of self certification of the candidates within the period from 01.09.2023 to 15.09.2023. In terms of these instructions, the petitioner tried for self certification on the pavitra portal website, however, the self certification was not accepted by the website. The petitioner was not able to self certify on the pavitra portal. As his grievance was not redressed by the concerned authorities, he has filed the present writ petition for the above reliefs.

8. The petitioner contends that in terms of the instructions of the Maharashtra State Examination Council the last completed examination form is required to be taken on record and that he has submitted his last application in the EWS category and the same ought to have been accepted and as regards the petitioner the results of the examination council in EWS category should be accepted and that he should be permitted to register himself on the pavitra portal for self certification.

9. On issuance of notice by this court, respondent no.2 – the Maharashtra State Examination Council appeared and filed it's reply and submitted that the petitioner had applied for examination in open and also in EWS category.

The process of filling up the applications for TAIT examination is online and it is not possible to find out if multiple applications are submitted by the same candidates. As such, on every application, admit card is issued to the candidate as per the information submitted in the online process. The documents are only verified at the time of recruitment.

10. It has been submitted that respondent no.2 – the Maharashtra State Examination Council had issued two hall tickets to the petitioner on the basis of two applications for the examination scheduled on 27.02.2023 and 01.03.2023. It was expected of the petitioner that he would have appeared in only one examination and the other hall ticket / admit card issued to him should have been surrendered as per the instructions mentioned at clause 14 above. However, the petitioner appeared for TAIT examination twice on different dates and, therefore, after scrutiny, respondent no.2 - the Maharashtra State Examination Council discovered that the petitioner has answered the examination twice and, thus, the respondent no.2 cancelled his candidature in the TAIT examination held in February /

March – 2023.

11. Having considered the rival submissions, the issue that falls for our determination is, whether the petitioner could have answered the TAIT examination twice and that whether the petitioner's marks of the second examination in the EWS category ought to have been considered as valid by respondent no.2 – the Maharashtra State Examination Council.

12. From a perusal of the above instructions of the Maharashtra State Examination Council, it appears that the examinations are conducted online and that the Maharashtra State Examination Council has no way to ascertain as to the multiple entries submitted by a particular candidate. Multiple entries are not absolutely prohibited, however, the same can be done by a candidate if there is some error in his application and that he has to answer the examination on the basis of a subsequent (completed application), but the candidate is prohibited from answering the examination more than once. Even if the candidate has filed multiple applications he is required to surrender all remaining admit cards except the one on which he intends

to appear for the examination.

13. In the instant case, the petitioner having answered twice, his candidature has been cancelled in terms of clause 14 of the instructions as quoted above.

14. We see no error in cancelling the candidature of the petitioner as the same has been done in pursuance of the provision contained in clause 14 of the instructions.

15. In view of the above discussion, there is no merit in the present writ petition and the same is dismissed.

(ARUN R. PEDNEKER, J.)

(CHIEF JUSTICE)

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