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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.11920 OF 2023

Shubham Navnath Mali,
Age: 27 years, Occu: Nil,
R/o. Warapgaon,
Tq. Ambejogai, Dist. Beed

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Education and Sports Department,
Mantralaya, Mumbai-32
2. The Maharashtra State Council of
Examination, Dr. Babasaheb
Ambedkar Road, Camp, Pune,
Through its Commissioner
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

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Mr B. S. Shinde, Advocate for Petitioner;
Mr S. K. Tambe, A.G.P. for Respondent/State
Mr A. R. Nikam, Advocate for Respondent No.2

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 26th September, 2023

ORAL JUDGMENT (PER : Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. This is a peculiar case, wherein the Petitioner has appeared for the 'Teachers Aptitude and Intelligence Test' (TAIT) examination on two occasions and, therefore, his candidature has been cancelled.

3. Clauses 4 and 14 of the Guidelines (Instructions) published by the Maharashtra State Examination Council, which conducts the TAIT are cited before us by the learned Advocate representing Respondent No.2/Maharashtra State Council of Examination (Council). He also places reliance upon the judgment delivered by this Court (Coram : Devendra Kumar Upadhyaya, C.J. and Arun R. Pednekar, J.), dated 15/09/2023 in Writ Petition No.11426/2023, filed by Sushil Shankarprasad Pandey Vs. State of Maharashtra and others.

4. Clause 4 of the Guidelines (Instruction) reads as under:-

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“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.”

5. Clause 14 of the Guidelines (Instruction) reads as under :-

“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 is M.Sc. B.Ed. His result of the ‘Central Teacher Eligibility Test’ (CTET) was not declared when he filled in the first TAIT form on 06/02/2023. Since CTET result was not declared, he applied for teaching the 9th to 12th Standard students, which is a specific category. A corrigendum was issued by the Council on 07/02/2023, permitting the candidates to fill in the form for the TAIT pending result of their CTET. Hence, the Petitioner filled in a second form for the TAIT on 12/02/2023. On

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these facts, the Petitioner has canvassed that he had a somewhat arguable case.

7. However, it is undisputed that, while filling in the second form, the Petitioner entered a different mobile number and a different E-mail address. These acts taint the conduct of the Petitioner. Had he innocently filled in the second form after the corrigendum, there was no reason for him to mention a different mobile number and a different E-mail address.

8. The learned Advocate for the Petitioner submits that, he entered a different mobile number and a different E-mail address so as to ensure that the second application form would be accepted. Shri. Nikam, the learned Advocate representing the Council submits that, this indicates that the Petitioner had a motive and therefore, he entered a different mobile number and created a different E-mail address only for the object that his second form would be cleared.

9. In Sushil Shankarprasad Pandey (supra), it has been held in paragraph Nos.6 to 15 as under :-

“6. *The petitioner applied for TAIT examination on 02.02.2023 in open category and again applied on*

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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 its 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

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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*

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(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.”*

10. The learned Advocate for the Petitioner submits on instructions that, in his first attempt in the TAIT exam, he scored 113 out of 200 and in the second attempt, he has scored 99 out of 200.

11. The issues before us are as to whether a person can be permitted to enter two application forms and whether he was obliged to appear in the TAIT only once. Clause 4 of the Guidelines indicates that, not more than one application should be filed and in case of multiple applications being filled in, the last application would be retained. Clause 14 indicates that, a

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candidate can be allowed to appear for the online examination only once. Multiple appearances in same online examination would result in cancellation of his candidature. A clear note of caution is mentioned in Clause 14 and an option is given to a candidate to surrender all other Admit Cards. As such, the Admit card in relation to the last form could be retained and all other cards had to be surrendered.

12. In our view, Clauses 4 and 14 of the Guidelines have to be read together, in tandem. Clause 4 prohibits filing more than one application. However, it also takes care of a situation wherein multiple forms are filed. The last form is to be held valid. A cautionary note is found in Clause 14, which permits a candidate to surrender more than one Admit Cards/Call Letters. It also cautions the candidate that, he can appear in the online TAIT examination only once and multiple appearances in the same test would result in cancelling of candidature.

13. It is noteworthy that the Exam Council hold a TAIT by following a specific pattern. Certain dates are declared and batches of candidates are allotted different slots to appear for the test. Depending upon the filing of the forms, the candidates are

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placed in batches who appear for the test on specific dates. Therefore, a candidate who files 2 forms on different dates, will be placed in different batches depending upon the dates of filing. Hence, he will find his name in two different slots and will take the test on two different dates.

14. Even if it is to be accepted that the Petitioner had a reason to fill in a second application in the backdrop of the corrigendum, he had an option of surrendering his earlier application, and thereafter, appear only once. The Petitioner would have steered clear of this controversy, had he surrendered his first call letter and retained the second. Instead of doing so, he has shrewdly appeared for the same TAIT on the basis of both the call letters, which casts a doubts on his conduct and establishes laches and oblique motives.

15. In view of the above, the decision of the Council in cancelling the candidature of the Petitioner cannot be faulted and the said decision cannot be termed as being perverse or erroneous in the light of the judgment delivered by the Hon'ble Supreme Court in **Sayed Yakooob Vs K. S. Radhakrishnan, AIR 1964 SC**

477 and Surya Dev Rai Vs. Ram Chander Rai, 2003 (6) SCC 682.

16. Hence, **this Writ petition is dismissed.** Rule is discharged.

17. No order as to costs.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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