



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO. 7158 OF 2024

SHAIKH ZAINAB RAFIQ
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

.....
Advocate for the Petitioner : Mr. Shrimant Mundhe
AGP for Respondents/State : Mr. N.S. Tekale
.....

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 15th July, 2024

PC. :-

1. The Petitioner is a 27 year old lawyer who has approached this Court by filing this Petition on 10.07.2024, after the cut-off date for filling in the online form for the main examination for the position of Civil Judge Junior Division and Judicial Magistrate First Class - 2022. Prayer clause-C and D are as under:

“C) This Hon'ble Court may be pleased to issue appropriate writ, order or directions and directs the respondent No.3 to permit the petitioner to submit on-line Form of Main Examination of the Civil Judge Junior Division and Judicial Magistrate First Class Examination-2022 by sending personal link to the petitioner, as early as possible.

D) This Hon'ble Court may be pleased to impose compensatory cost on the respondent No.3 for not permitting the petitioner to submit

her on-line From of Main Examination of the Civil Judge Junior Division and Judicial Magistrate First Class Examination-2022.”

2. There is no dispute that if a fresh lawyer (fresher) applies for such position, the qualifying age is 21 years and the maximum is 25 years. If the said lawyer is in employment or is practicing in any Court, the age limit is 26 years. For candidates with experience, the minimum age is 21 and for the reserved category, it is 35 years.

3. We have heard the submissions of the learned advocates for the Petitioner and on behalf of the MPSC. The learned advocate representing the Commission places on record a compilation of 15 pages which are collectively marked as 'X-1' for identification. In the above backdrop, as there is no dispute as regards the age limits, he straight away points out from the form filled in by the Petitioner and specifically draws our attention to the fact that she did not fill in the experience column. For illustration, he has placed on record two forms filled in by two different advocates, at page 9 and 13. They have entered the experience information. One of them has indicated his experience as being a professional advocate practicing with the Solapur District Court. Both these forms have been accepted. The reason for rejection of the Petitioner's form is that since she did not mention that she was practicing at Latur District Court and did not narrate her experience, her application form was treated as that of a fresher and was rejected owing to the maximum age barrier.

4. The learned advocate for the Petitioner has placed before us a compilation of 9 pages which is collectively marked as 'X-2' for identification. Page nos.1 to 4, are a print out of the application form that she filled in. She has herself taken the print of the said form. At page no.4, in the experience information, she has kept the entire column blank and has not entered any details. However, the contention is that the said "experience information column" did not appear on the MPSC portal and, therefore, she did not fill in the details.

5. We find this argument to be fallacious, since the MPSC does not have tailor made forms and there can be no human intervention for manipulating any form. It is an online process with no human intervention. The details to be filled in are by the candidates applying. Even the print out placed before us by the Petitioner indicates that the experience information column was available and she had kept it blank. In this backdrop, leveling an allegation that the MPSC has deliberately doctored her application or manipulated that application, is unfortunate. It is apparent that the Petitioner herself has committed a gross mistake. This Petition is filed after the cut-off date for filling the main examination form.

6. The learned advocate for the Petitioner submits that she was sending emails to the MPSC informing them that her form has been rejected

and she is unable to fill the mains exam form. The learned advocate for the MPSC submits that when the form filled in by the Petitioner was defective because she did not declare any experience information thereby treating herself as a fresher candidate, the minimum age limit was 21 years and the maximum was 25. The Petitioner is 26 years plus. Hence, her application form has been rejected which can be attributed only to the manner in which she filled in the application form.

7. The learned advocate for the Petitioner prays that this Court should issue a Writ of Mandamus and direct the MPSC to open it's portal and allow the Petitioner to fill in one more application form. We are of the view that this would amount to over indulgence. When the cut-off date is over and when the application form of the Petitioner has been rejected owing to the defects that she left in the form, it would be inappropriate to direct the MPSC to open it's portal and permit the Petitioner to fill in the form afresh. If the MPSC itself takes a decision to open the portal, it is within their domain and cannot be a subject matter for issuance of a Writ of Mandamus.

8. In view of the above, **this Writ Petition is disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]