



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12997 OF 2025

Ajay Sudhakar Joshi And Others

VERSUS

The State of Maharashtra And Another

...

- Mr. A. S. Khedkar, Advocate for the Petitioners
- Mr. S. G. Sangle, AGP for respondent No. 1 - State
- Mr. Kolpe, Advocate for respondent No. 2 - MPSC

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CORAM : AJIT B. KADETHANKAR, J.
(VACATION COURT)

DATE : 27th OCTOBER, 2025

PER COURT :

1. Heard learned counsel for the petitioners as also learned AGP for the State. Mr. Kolpe, learned counsel represents MPSC.

2. Mr. Khedkar, learned counsel for petitioners submits that the MPSC published Advertisement No. 414/2023 to fill up posts from category "Group A" and "Group B". The selection procedure is titled '*Maharashtra Gazetted Civil Services Combined Preliminary Examination 2024*'. In all, 274 posts were to be filled. It appears that subsequently, the number of posts to be filled was increased to 828.

3. Learned counsel for the petitioners submits that the petitioners were eligible to undergo the aforesaid selection process and accordingly appeared for the 'Preliminary Examination', in which they qualified to appear for the 'Mains Examination'.

4. Learned counsel for the petitioners further submits that respondent No. 2 – MPSC issued another Advertisement No. 13/2025 to conduct the 'Mains Examination' pursuant to the 2024 selection procedure (*supra*). He would further submit that the petitioners appeared for the said examination but fell short of the cut-off marks prescribed for the respective posts. He would further submit that, in view of the rules followed by respondent No. 2 – MPSC, candidates who have applied their candidature under EWS category, but failed to record their option as per the Clauses 3, 4 and 5 of the corrigendum dated 12.07.2024, are liable to have their candidature cancelled. However, the MPSC has allegedly called such candidates for the interview instead of enforcing the said conditions. The MPSC is under mandate to cancel the candidature of such candidates who failed to record their option to be considered from either general category or SEBC category.

5. He would further submit that the petitioners have every reasonable apprehension that the MPSC has even called for these all candidates for interview instead of executing conditions mentioned at clause Nos. 3, 4 and 5 of the corrigendum dated 12.07.2024.

6. Mr. Khedkar, learned counsel for the petitioners, also points out that as per the rules, MPSC is required to maintain a ratio of 1:3 for screening candidates for the viva voce process. He contends that if

the MPSC implements its own rules correctly, several candidates called for the interview would be rendered ineligible, thereby allowing candidates who narrowly missed the cut-off, such as the petitioners, who fell short by only one mark, to be accommodated in the selection process. The Petitioners apprehend that the MPSC may not enforce these rules, resulting in their loss of opportunity to participate in the interview. He would further submit that despite raising concerns, the learned Division Bench of Maharashtra Administrative Tribunal, Aurangabad, has rejected their prayer for *interim* relief.

7. Accordingly, learned counsel for the petitioners prays that the petitioners be granted an opportunity to participate the interview procedure, assuming that the MPSC shall remove such EWS category candidates who have not recorded their options in view of the corrigendum dated 12.07.2024.

8. Mr. Kolpe, learned counsel for the MPSC and learned AGP for the respondent - State would submit that the foremost objection to the petition is that the petitioners have not secured the cut off point marks. They would further submit that had the petitioners obtained marks above the cut-off, they could have had a valid ground to seek such interim relief. They would further submit that the main Original Application is still pending before the learned Maharashtra

Administrative Tribunal, and the petitioners may seek appropriate relief before the learned Tribunal insofar as the rejection of interim relief is concerned. They assert that the Tribunal has committed no error in rejecting the *interim* relief and that no such direction, as prayed for by the petitioners, ought to be granted in the present facts and circumstances.

9. Mr. Kolpe, learned counsel for the MPSC and learned AGP would further fairly submit that the MPSC is bound to follow the procedure and the mandates prescribed under the corrigendum dated 12.07.2024, and in any event, must adhere to the 1:3 ratio mentioned at Clause No. 9.3.1 of Advertisement No. 13/2025, dated 18.03.2025, defining the rules and procedure for the Mains Examination as well as for the interview.

10. In view of the statement made by the learned counsel for the MPSC whereby, it is clarified that the selection process shall be conducted as per the advertisement published by the MPSC, learned counsel for the petitioners therefore seeks permission to withdraw the present writ petition.

11. Permission is granted.

12. In view of the above, the writ petition stands disposed of as withdrawn.

(AJIT B. KADETHANKAR, J.)