

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4424 OF 2025**

Pravin S. Patil ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

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Ms Mohini Rehpade a/w. Mr. Digvijay S. Kachare a/w. Mr. Karan Gajra a/w. Mr. Vijay Singh and Ms Daksha M. Punghera i/b Desai Legal LLP for the Petitioner. Petitioner.
Mr. N.C. Walimbe, Addl.G.P. a/w. Mr. S.L. Babar, AGP for the Respondent/State.

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.
DATE : 6th AUGUST, 2025.**

ORDER (*Per N.R. Borkar, J.*)

1. This petition takes exception to the judgment and order dated 19th March 2025 passed by the Maharashtra Administrative Tribunal (for short "Tribunal") in Original Application No. 177 of 2025.

2. The brief facts giving rise to the present petition are as under:

On 28th December 2023, respondent No.2 – Maharashtra Public Service Commission (for short "MPSC") recommended the name of the petitioner for the post of Police Sub-Inspector (PSI) to respondent No.1 -State.

3. After recommendation, the petitioner was called upon to submit an attestation form. At that time, he disclosed that he

is facing a trial for the offences punishable under Sections 420, 468, 471 read with 34 of the Indian Penal Code. The case of the petitioner was, thus, placed before the High Powered Committee (for short "the Committee") in terms of Government Circular dated 26th August 2014. Considering the nature of allegations against the petitioner, the Committee found that the petitioner is not suitable for the post of PSI. The petitioner was accordingly, informed by letter dated 17th October 2024. Aggrieved by the said decision of the Committee, the petitioner filed the Original Application before the Tribunal. By the impugned order, the Tribunal has dismissed the said Original Application.

4. We have heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents/State.

5. The learned counsel for the petitioner submits that the Committee, while deciding the matter of recommended candidates having criminal antecedents, has adopted different yardsticks and thus acted in a biased manner. It is submitted that the Committee has considered the cases of candidates involved in serious cases such as kidnapping and grievous hurt.

6. Learned counsel for the petitioner has drawn our attention to the Government Resolution (for short "GR") dated 26th August 2014 which outlines the character verification

process for candidates applying to government posts. It is submitted that according to the said GR, the candidates should not be automatically disqualified only on the basis of ongoing criminal trial, thereby upholding the principles of presumption of innocence until proven guilty. It is submitted that the Tribunal has, thus, erred in dismissing the Original Application filed by the petitioner.

7. On the other hand, learned Addl.G.P. for the respondents/State submits that the criminal antecedent was not disclosed by the petitioner at the time of applying for the post. It is submitted that the Committee considered the case of the petitioner and concluded that the charges against the petitioner are serious in nature as the petitioner submitted a forged Domicile Certificate with a view to get recruited in the Army. It is submitted that no interference is thus called for in the impugned order of the Tribunal.

8. The averments made in paragraph No.7 of the present petition read thus:

“7) The Petitioner humbly submits that, during the form-filling process of the said Preliminary MPSC Examination, the Petitioner inadvertently missed out on revealing the pendency of the criminal proceedings against him. Further, when the Petitioner tried to rectify his mistake during the Main examination, he was not able to do so. After the final recommendation of the Petitioner by Respondent No.2, he diligently and truthfully provided all necessary details, including full disclosure of the pending trial against him by declaring all the details duly filled in the Attestation form provided by the Appointing Authority i.e. Respondent No.1. The Petitioner always tried to maintain complete

transparency and did not withhold any material information from the Appointing authorities. “

9. From the above averments, it is evident that at the time of submitting the application form, the fact of pendency of criminal case was not disclosed. We are not inclined to accept the statement of the petitioner that it was an inadvertent error as it is unlikely that he would furnish all other details and would forget to disclose about the criminal case only.

10. The allegations against the petitioner are that he forged the Domicile Certificate with a view to get recruited in the Army. Considering the nature of allegations, the decision of the Committee cannot be said to be irrational. In our view, the Tribunal has rightly not interfered with the decision of the Committee. Hence, the Petition is dismissed.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)