

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9496 OF 2025

Prashant Sunil Tifane

... Petitioner

Vs.

The State of Maharashtra & Ors.

... Respondents

Adv. Anandmaya S. Dhorde for the Petitioner.

Mr. N. C. Walimbe, Addl. GP a/w Smt. Ashwini A. Purav, AGP for the Respondent-State.

Mr. Ashutosh Kulkarni a/w Siddharth Shitole for the Respondent-MPSC.

Mr. Rahul Nerlekar for Respondent No.3.

**CORAM : M.S. KARNIK &
N.R. BORKAR, JJ.**

DATE : 04TH AUGUST 2025

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PC. :

1. Heard Learned Counsel for the parties.
2. The Petitioner had appeared for the Main Examination for the post of Civil Judge Junior Division and Judicial Magistrate First Class pursuant to the advertisement issued by the Maharashtra Public Service Commission.
3. The Petitioner approached the competent authority under the Right to Information Act, 2005 with a request that he be provided photocopy of Answer Sheet of his main examination. The Competent Authority rejected

the application on the ground that the examination process is not yet completed. The First Appellate Authority also rejected the application.

4. The Learned Counsel for the Petitioner has drawn our attention to the general instructions to the candidates published by the Maharashtra Public Service Commission and more particularly Clause 6.10.3, which *inter alia* provides that if the application is made under the Right to Information Act, 2005, the Answer Sheet of the concerned candidate can be made available to the said candidate.

5. Mr. Kulkarni, Learned Counsel for the Respondent-MPSC submitted that even at this juncture before the examination process is completed, if such applications are to be entertained, then it may have effect of stalling the examination process.

6. The limited relief, which the Petitioner seeks, is, that the Answer Sheet should be made available to him. The standard instructions issued by the Maharashtra Public Service Commission provides that the Answer Sheet can be made available to the concerned candidate under the Right to Information Act, 2005 and does not specify that the copy of the Answer Sheet will be made available only upon completion of examination process. The argument whether any relief can be claimed by the Petitioner

on the basis of such Answer Sheet before the examination process is over is a separate cause of action.

7. We make it clear that we are not expressing any opinion on such contention and the same is kept open, to be decided in the appropriate proceedings in the event if occasion arises.

8. For the present, we are inclined to allow the Petition to the extent that the photocopy of the Answer Sheet of the Petitioner be handed over to the Petitioner by the Respondent-Maharashtra Public Service Commission within a period of one week from today.

9. Keeping open all contentions raised in the Petition, to be agitated at the the appropriate juncture, the Petition is disposed of in the aforesaid terms.

10. It is made clear that the Respondents can proceed with the examination process.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)