

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

CIVIL WRIT PETITION NO. 11526 OF 2025

Snehal Tukaram Patil

... Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Sushil Inamdar for the Petitioner.

Mr. V.G. Badgujar, AGP for the Respondent No.1 – State.

Mr. Ashutosh Kulkarni for Respondent No.2 – MPSC.

CORAM : SUMAN SHYAM &

SHYAM C. CHANDAK, JJ.

DATED : 03rd SEPTEMBER, 2025

P.C. :-

. Heard learned Counsel for the parties.

2) The Petitioner has preferred this Petition under Article 226 of the Constitution of India seeking to direct the Respondent No.2 – Maharashtra Public Service Commission (for short ‘**MPSC**’) to permit the Petitioner to inspect her answer sheet of paper (II) (Criminal) [of the examination for the post of Civil Judge Junior Division and Judicial Magistrate First Class Competitive Main Examination, 2022]. Further, to direct the Respondent No.2 to re-evaluate the Petitioner’s answer sheet of the paper (II) (Criminal). Some interim reliefs are also prayed for.

However, during the course of the hearing, Mr. Inamdar, the learned Counsel for the Petitioner has restricted his submissions to the extent of supply of a photocopy of the said paper (II) (Criminal) only.

3) The facts in brief are that, pursuant to the advertisement dated

19/05/2023, published at the instance of the Respondent No.2, for filling up the post of Judicial Magistrate First Class, the Petitioner appeared and cleared the Preliminary Examination on 09/09/2023. Thereafter, the Petitioner submitted her application and appeared for the main examination on 24/08/2024 which consisted of two papers, *i.e.*, Paper I, Civil and Paper II, Criminal, of 100 marks each. Accordingly, the Petitioner was called for and she had attended the viva-voce on 28/03/2025. Finally, the provisional results came to be declared on 29/03/2025, wherein the Petitioner stood at Serial No.125.

4) Mr Inamdar, the learned Counsel for the Petitioner submitted that, in the backdrop, thrice the Petitioner had applied for a copy of the answer sheet from the Competent Authority, involving the provisions of the Right to Information Act, 2005. However, on all the occasions, her RTI Applications were rejected by replying that “the process of final results is in process, a link will be opened for you to check your marks after the final result, also if you apply under the right to information application, you will be provided with xerox copies of the answer sheets”.

5) 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 interalia 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.

6) Mr. Kulkarni, the learned Counsel for the Respondent No.2 – MPSC

submitted that, if such RTI applications are to be entertained, then it may adversely affect the selection/appointment process.

7) The submissions made by Mr. Inamdar are limited to supply of the Answer Sheet. Thrice, the Petitioner had tried to get the said relief under the RTI provisions. 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. However, it does not specify that the copy of the Answer Sheet will be made available only upon completion of the examination/selection process. As such, whether any relief can be claimed by the Petitioner on the basis of such Answer Sheet at a subsequent stage, will be a separate cause of action. In this background, a photocopy of the said paper (II) (Criminal) can be provided to the Petitioner.

8) Therefore, we are inclined to allow the Petition to the extent that the photocopy of the Answer Sheet of Paper (II) (Criminal) of the Petitioner be handed over to her by the Respondent No.2 – Maharashtra State Public Service Commission within a period of one week from today.

9) However, without expressing any opinion on the other contention made in the petition and keeping open all such contentions to be agitated at the appropriate juncture, the Petition is disposed of in the aforesaid terms.

10) It is made clear that the Respondents can proceed with the selection process, if yet not completed.

PREETI
HEERO
JAYANI

Digitally signed
by PREETI
HEERO JAYANI
Date: 2025.09.04
19:07:48 +0530

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)