

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 11215 OF 2025****IN****WRIT PETITION NO. 11759 OF 2023**

The Secretary,

Maharashtra Public Service Commission

... Applicant

V/s.

Milind K. Shivsharan & Ors.

... Respondents

Mr. Ashutosh M. Kulkarni a/w Mr. Sarthak Diwan for Applicant.

Mr. N.C. Walimbe, Addl.G.P. a/w Ms. Ashwini A. Purav, A.G.P. for Respondent-State.

Ms. Sonali Pawar for original Respondent Nos. 8 and 10.

Mr. Shantanu Raktate a/w Mr. Ajinkya Desai for Respondent Nos. 2 to 4, 6, 9, 12, 14, 15, 20, 27, 29, 31, 32, 35, 44, 46, 59, 61, 62, 64, 66, 68, 71, 72, 75, 77, 78, 80, 82, 86, 90, 98, 99, 100, 102, 104 to 109, 111, 112, 115, 116 and 119.

**CORAM : A. S. GADKARI AND
M. M. SATHAYE, JJ.****DATE : 23rd September 2025.****P.C. :**

1) In view of the pleadings in para No. 9 of the Application, the following sentences are added as sub para in para No. 12 of Order dated 26th

May 2025 :

“12.1] The Petitioner is at liberty and entitled to protect the identity of the said Experts. While submitting the opinion of the concerned Experts, the Petitioner may conceal the identity of Experts by adopting necessary procedure.”

1.1) After adding the said sentences, para No. 12 of the said Order dated 26th May 2025, would read as under :

“12] Hence before proceeding further with the adjudication of these writ petitions, we deem it appropriate to direct the MPSC to place on record the Expert opinion dated 31/07/2018 obtained by it, which opinion was furnished to the Tribunal in sealed cover. Placing the Expert opinion on record would enable the Court to consider as to whether the Tribunal was justified in ignoring the said opinion and concluding that the Question Nos. 4, 5(a) and 5(b) were infact out of syllabus. Similarly, the candidates would also have an opportunity to contest the opinion of the Expert in support of their stand that the said questions were indeed out of syllabus.

12.1] The Petitioner is at liberty and entitled to protect the identity of the said Experts. While submitting the opinion of the concerned Experts, the Petitioner may conceal the identity of Experts by adopting necessary procedure.”

2) Interim Application is allowed in the aforesaid terms.

3) Record indicates that, there is error of typing the paragraph numbers and para No. 12 has been erroneously typed twice.

3.1) In view thereof, second para Nos. 12 and 13 of Order dated 26th May 2025 be treated as re-numbered as 13 and 14.

(M. M. SATHAYE, J.)

(A.S. GADKARI, J.)