

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

Writ Petition No. 9633 of 2025

Alim Rafik Shaikh	...	Petitioner
V/s.		
Maharashtra Public Service Commission		
and others	...	Respondents.

Mr. Ketan Pote (On V.C.) a/w. Mr. Sandesh V. Kate i/b. Deepak Pote
for the Petitioner.

Mr. N.C.Walimbe, Addl. G.P. a/w. Ms. Rupali Shinde, AGP for the
Respondent Nos.1, 2 and 3 – State.

**CORAM : M.S. KARNIK &
S.M. MODAK, JJ.**

DATE : 20th January 2026.

ORAL ORDER: (PER M.S.KARNIK, J)

. Heard learned counsel for the Petitioner. Learned AGP appears
for the Respondents.

2. The challenge in this petition is to the impugned order dated
9th May 2025 passed by the Maharashtra Administrative Tribunal,
dismissing the Original Application (O.A.) No.309/2025 filed by
the Applicant. The Applicant had approached the Tribunal seeking
directions to the Respondents to consider the candidature of
Applicant from EWS category.

3. Pursuant to the issuance of the advertisement, the Applicant had applied under the open category for the post so advertised. However, during the pendency of the recruitment process, the Petitioner obtained the EWS certificate and hence requested for a change of his claim from the open category to the EWS category which was not permitted by the Respondents.

4. The learned counsel for the Petitioner pointed out that during the pendency of the recruitment process, the Respondents permitted the candidates to shift from open to EWS category. It is further submitted that by another corrigendum the Respondents extended the time for the candidates to produce additional documents and certificate of SCBC or OBC. The learned counsel for the Petitioner submitted that there was no reason for the Respondents to have denied the Petitioner's request for changing the category from open to EWS, as it was during the process of recruitment that the EWS certificate was obtained by him. It is further submitted that if the Petitioner is considered from the EWS category, he will find place in the merit list. It is submitted that as the Petitioner's candidature has been considered from the open category, his name does not feature in the merit list.

5. The learned counsel for the Petitioner further submitted that the Tribunal has only reproduced the submissions of the Petitioners as well as of the Respondents and has not assigned any reason in support of the conclusion that the O.A. deserved to be dismissed.

6. We have heard learned counsel. We have perused the material on record and the order passed by the Tribunal. We do not find any merit in the submissions of learned counsel for the Petitioner that the impugned order passed by the Tribunal calls for interference merely because there is no detailed reasoning provided by the Tribunal in the said order.

7. In the present case, an advertisement came to be issued by the Respondents for appointment to the post of Assistant Commissioner, Social Welfare 'Group-A', published in 2023. The Petitioner, in the O.A., prayed that his candidature be considered from EWS category as per the instructions prescribed in 'General Instructions to Candidates' published on the website of Maharashtra Public Service Commission (for short 'MPSC'). Instruction No. 4.2(5), 1.2.5.6 and 1.2.5.7 of the 'General Instructions to Candidates' prescribes that candidates are not permitted to make changes in the claims made in the application form and that such changes made will not be considered.

8. As per the reservation policy and the opinion of the Government, Respondent No.1, by publishing corrigendum has provided an opportunity to change the option to SEBC or OBC category to the candidates belonging to only open/General and EWS category. No such option was made available to the candidates of the open category to opt for EWS category. The Petitioner's request to change his claim from open to EWS i.e. reserved category was,

therefore, not accepted. The Petitioner had applied for EWS category after the advertisement was published and after he had made an application for appointment from the open category. The EWS category certificate was received by him during the recruitment process.

9. It is the submission of learned AGP that claims made by the candidates in their application form are an important part of the process and recruitment is based on these claims. Considering the large number of candidates and the process of recruitment, if candidates are allowed to change their claims after submitting the application and in the middle of the recruitment process, it will be difficult to conduct the recruitment process. The screening test was conducted on 25th December 2025. The result of the screening test for the post of Assistant Commissioner, Social Welfare, Group-A, Advertisement No.023/2023 was declared on 24th April 2025 and as per the result the interviews of the qualified candidates were conducted on 15th to 18th July 2025. As per the State Government Policy, the corrigendum was published by Respondent No.1, giving an opportunity to the candidates belonging to open/unreserved and EWS category only to opt for SEBC or OBC category. No such option was given to the open category candidates to opt for the EWS category.

10. We find merit in the submission of the Respondents as to why the candidates are not permitted to make any changes in the claims

made in the application form in the middle of the recruitment process.

11. In such facts and circumstances, if the Respondents are of the view that change of the category from open to EWS category cannot be considered in the middle of the recruitment process, it cannot be said that the action of the Respondents is so arbitrary or unreasonable to warrant interference with the Tribunal order. We, therefore, do not find any merit in this petition.

12. The Petition is dismissed.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)