

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11940 OF 2025
WITH
INTERIM APPLICATION NO.12529 OF 2025

SATISH
RAMCHANDRA
SANGAR

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SATISH RAMCHANDRA
SANGAR
Date: 2026.01.20
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Shital Digamber Sawant

Age : 42 Years, Occupation : Nil,

Residing at : Village Gowade,

Tehsil Palghar, District : Palghar : 401403.

...Petitioner

Versus

1. **The State of Maharashtra**

Through the Secretary,

General Administration Department,

Having Office at Mantralaya,

Mumbai : 400 032, Mantralaya,

Mumbai : 400 032.

2. **Maharashtra Public Service Commission,**

Through the Secretary,

Trishul Gold Field, Plot No.34, Sector 11,

Opp. Sarovar Vihar, Belapur CBD,

Navi Mumbai : 400 614.

...Respondents

Ms.Madhavi Ayyappan a/w Mr.Yogesh V. Morey i/b. Talekar &
Associates, Advocates for Petitioner.

Ms.Reena A. Salunkhe, AGP, for Respondents – State.

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

DATE : 14th JANUARY 2026

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

1. The Petitioner challenges the order dated 17th July 2025 passed by the Maharashtra Administrative Tribunal, Mumbai Bench (In short, “**Tribunal**”) in Original Application No.782 of 2025.

2. **The facts of the case, in brief, are that:-**

- (i) An advertisement was issued on 10th May 2023 by the Maharashtra Public Service Commission (In short, referred to as “**MPSC**” hereinafter) for 41 posts of Assistant Commissioner, Social Welfare, Group-A. The Board of Recruitment was directed conduct interviews as the mode of selection. The MPSC had held a screening test for shortlisting the desirous candidates. The Petitioner was desirous of applying in the *Economically Weaker Section* (for short, “**EWS**”). Four posts were under the EWS category. The date of interview was not notified in the Advertisement.
- (ii) The Petitioner applied under the EWS category. The last date for submitting an Application as per the Advertisement was 5th June 2023. The Petitioner applied for the “*E.W.S. Certificate*” on 29th December 2023. The last date for filing of the Application was extended by the MPSC until 13th December 2024.
- (iii) The MPSC decided to hold a screening test on 14th December 2024 for shortlisting the candidates for the

purpose of interview. The screening test was conducted on 14th December 2024 for shortlisting the candidates. The results of the screening test were declared on 24th April 2025. The Petitioner qualified the screening test. In May-2025, the Petitioner applied for “*E.W.S. Certificate*” for 2025-2026.

- (iv) The MPSC published a list of eligible candidates on 4th July 2025. A remark was placed against the name of the Petitioner stating that the “*E.W.S. Certificate*” pertaining to the year for which the Advertisement was issued needs to be submitted.
- (v) On 8th July 2025, the Petitioner received “*E.W.S. Certificate*” for the year 2025-2026 and on 7th July 2025, the MPSC notified the dates of interview from 15th July 2025 to 18th July 2025.
- (vi) The Tahsildar – Palghar vide communication dated 11th July 2025 refused to issue the “*E.W.S. Certificate*” to the Petitioner for the year 2023-2024 stating that the said financial year has expired and therefore, the same cannot be issued.
- (vii) Vide the order dated 15th July 2025, the MPSC held the Petitioner ineligible for want of “*E.W.S. Certificate*” for the year 2023-2024. Therefore, the Original Application bearing No.782 of 2025 was filed before the Tribunal.

(viii) During pendency of the Original Application which came to be filed on 16th July 2025, the interviews were conducted on various dates from 15th July 2025 to 18th July 2025. The Original Application was dismissed on 17th July 2025 holding that it was implied in Clause Nos.5.15 of the Advertisement that candidates shall possess a valid certificate as on the date of the Advertisement. Clause No.5.10 and 5.15 of the Advertisement which has some bearing on the issue reads thus:-

“5.10 Candidates belonging to the Economically Weaker Section (EWS) are required to submit the certificate prescribed as per Government Resolution, General Administration Department, Ref. No.: RaADho-4019/Pr.Kr.31/16-A dated 12 February 2019 and dated 31 May 2021. The period of validity of the EWS certificate for candidates shall be understood as per Government Circular, General Administration Department, Ref. No. RaADho 2023/Pr.Kr.40/16-A, dated 23 March 2023.”

“5.15 Candidates claiming any kind of reservation (Social or Horizontal) or facilities/concessions must compulsorily possess a valid certificate in the prescribed format as per the relevant Act/Rules/Orders, in alignment with this advertisement. The period of validity of the certificates shall be

considered as per the provisions of the concerned Government Order (as applicable)."

3. Learned AGP argued in support of the impugned order. It is submitted that the Petitioner has been lethargic in obtaining the "*E.W.S. Certificate*". It is submitted that neither on the date of the Advertisement nor on the date when the Application was made by the Petitioner, did the Petitioner possess the "*E.W.S. Certificate*" for the year 2023-2024. Learned AGP submitted that the Petition, therefore, deserves to be dismissed.

4. The Tribunal dismissed the Original Application for the following reasons which are reproduced for the facility of convenience:-

"11. Clause 5.10 expressly required that as regards the candidates belonging to E.W.S. category the aforementioned two G.Rs dated 12.02.2019 and 31.05.2021 and Circular dated 23.03.2023 would governed the field. Clause 5.15 of the advertisement expressly declared that any candidate seeking any kind of reservation social or horizontal, should possess a certificate which is valid under the relevant statute / rules / orders. It also expressly declared that the period of such certificates AGP M.S.Bane Bombay High Courts should be in accordance with the relevant Government Notifications.

12. It is a matter of fact that contrary to the stipulation in G.R. dated 31.05.2021 the advertisement did not contain

specific date or period of the E.W.S. certificate, which the candidate desirous of obtaining that reservation, should possess.

13. At the first blush, this circumstance does appear attractive and seems to support the stand of the applicant. However, one cannot lose sight of the fact that it is a matter of competition. When clause 5.15 expressly required the candidate to possess a valid certificate under relevant law, it is implied that only such of the candidates who possess some kind of certificate alone would be entitled to participate. Admittedly, the applicant was not possessing any certificate of E.W.S. category as on the date of the advertisement or when she submitted her application. Admittedly, she applied for E.W.S. certificate after staking claim for participation in the selection process.

14. It is a matter of competition between those of E.W.S. candidates who were possessing the certificates as on the date of the advertisement and those like the applicant who were not possessing any certificate, still were bold enough to apply under that category and then submitted the applications for securing E.W.S. certificate. It would be hazardous and would result in gross prejudice to such candidates who were having E.W.S. certificates on the date of the advertisement. The issue, as has been rightly put by the learned C.P.O., is not as to whether person really belongs to E.W.S. category. The issue is

whether he was possessing any such certificate when he chose to apply for and claim that reservation.

15. Apparently, the applicant took a chance, applied claiming E.W.S. reservation without having any certificate of any period. She subsequently applied for and has obtained the certificate now, of the year 2024-2025 and claims to participate in the ongoing interview process.

16. In our considered view, the Tribunal though has all the powers of the High Court including the one under Article 226 of the Constitution of India, that is a discretionary relief. It cannot be exercised to the prejudice of the genuine of the candidates who were possessing E.W.S. certificates on the date they submitted their applications.”

5. We have heard the learned counsel.

6. It is pertinent to note that though the Advertisement is dated 10th May 2023, the Petitioner applied for the “*E.W.S. Certificate*” only on 29th December 2023. However, the last date for the Application was extended by MPSC up to 13th December 2024. The Tahsildar – Palghar vide communication dated 11th July 2025 refused to issue the “*E.W.S. Certificate*” for the year 2023-2024 stating that the said financial year had expired and therefore, the same could not be issued. On an Appeal preferred by the Petitioner before the Sub-Divisional

Officer (henceforth, “**SDO**”), the SDO directed the Tahsildar to issue “*E.W.S. Certificate*” for the financial year 2023-2024 by the order dated 8th September 2025. Accordingly, the Tahsildar – Palghar issued the “*E.W.S. Certificate*” to the Petitioner for the financial year 2023-2024.

7. The interviews were conducted between 15th July 2025 and 18th July 2025. We, thus, find that even prior to holding of the interviews, the Tahsildar–Palghar had refused to issue the “*E.W.S. Certificate*” to the Petitioner for the year 2023-2024 for erroneous reasons which was corrected by the SDO in Appeal, directing issuance of the “*E.W.S. Certificate*” for the year 2023-2024. The order passed by the SDO in Appeal must relate back to the date when the Tahsildar rejected the request of the Petitioner.

8. In our opinion, the Petitioner cannot be made to suffer for this delay on the part of the Authorities in issuing the “*E.W.S. Certificate*” for the year 2023-2024. Had the Tahsildar issued the Certificate on 11th July 2025, instead of refusing the same on the ground that the financial year had expired, the Petitioner would have been in a position to place the said Certificate on the date of the interview. The Petitioner

cannot be made to suffer for no fault of hers.

9. The next question is whether the Tribunal in the facts and circumstances of the present case is justified in holding that the “*E.W.S. Certificate*” should have been with the Petitioner on the date of the Advertisement or on the date of the Application. Neither Clause 5.10 nor Clause 5.15 reproduced above, and which were referred to by the Tribunal, stipulates the requirement of the candidate possessing the “*E.W.S. Certificate*” on the date of the Advertisement or on the date of the Application. In fact, the sequence of events would indicate that the Petitioner was permitted to participate in the screening test for shortlisting the candidates which was conducted on 24th December 2024. The result of the screening test was declared on 24th April 2025 wherein the Petitioner was shown to have qualified the screening test. The MPSC published a list of eligible candidates on 4th July 2025 but against the name of the Petitioner, a remark was made that “*E.W.S. Certificate*” pertaining to the year in which the Advertisement was issued needs to be submitted. It is, therefore, clear that the requirement was that of the Petitioner to be in possession of the “*E.W.S. Certificate*” pertaining to the year in which the Advertisement was issued on the

date of the interview. The interview was scheduled between 15th July to 18th July, 2025. It is on 15th July 2025, that the Petitioner was informed of her ineligibility for want of “*E.W.S. Certificate*”. The Petitioner had applied well within time for the grant of the “*E.W.S. Certificate*” and it was ultimately granted to her pursuant to the order passed in Appeal by the SDO.

10. It is obvious that the Petitioner is a meritorious candidate from the EWS category. Pursuant to the interim order passed by this Court, one post has been kept open. It has been informed by the AGP that final merit list is yet to be published and only the interviews have been held as a result of pendency of this Petition. In such a view of the matter, we are of the firm opinion that the Petition deserves to succeed. The Tribunal committed an error in holding that the Petitioner should have obtained the “*E.W.S. Certificate*” on the date of the Application. The impugned order passed by the Tribunal is set aside.

11. The MPSC is directed to hold an interview of the Petitioner by informing her of the date on which she should remain present for the interview and proceed with the selection process. The Writ Petition is allowed. No order as to costs.

12. Pending Interim Applications, also stand disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)