

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7439 OF 2025**

Shraddha M. Rathod ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

Mr. Abhijit A. Desai a/w. Mr. Digvijay S. Kachare a/w. Ms Mohini Rehpade, Ms Daksha Punghera, Mr. Vijay Singh and Mr. Karan Gajra i/b Desai Legal LLP for the Petitioner.
Smt. Reena A. Solunkhe, AGP for Respondent No.1/State.
Mr. Ashutosh Kulkarni a/w. Mr. Siddharth Shitole for Respondent No.2-MPSC.
Mr. Rahul Nerlekar, Sr. Advocate a/w. Mr. Saket Tare for Respondent No.3.

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.**
DATE : 17th JULY, 2025.

P.C.

1. The petitioner appeared for the Civil Judge (Junior Division) Judicial Magistrate (First Class) Competitive Preliminary Examination - 2022 conducted by respondent No.2- Maharashtra Public Service Commission (for short "MPSC") on 9th September 2023. In the list published on 12th March 2024, her name was included in the list of qualified candidates for the main examination. The petitioner appeared for the main examination on 24th August 2024. On the basis of the marks obtained by the petitioner in the main examination, the petitioner was called for the interview and as such on 19th March 2025, the petitioner attended the interview. Thereafter, on 29th March 2025, the results of the

main examination and the interview were declared and the name of the petitioner appeared at Sr.No.194 in the General Merit List published by respondent No.2-MPSC. The petitioner secured 106 marks in the written examination and 34 marks in the interview, thereby securing a total of 140 marks. Being dissatisfied with the marks awarded in the main examination, the petitioner has filed the present petition, seeking a direction that respondent No.2 be directed to re-evaluate or moderate answer-sheets of her main examination.

2. We have heard the learned counsel for the petitioner, learned counsel for respondent No.2 - MPSC and learned senior counsel for respondent No.3.

3. This Court by order dated 8th May 2025 directed the respondent No.2-MPSC to permit the petitioner to inspect her answer-sheets. Thereafter on 9th May 2025 this Court directed the respondent No.2- MPSC to produce answer-sheets of the petitioner for perusal of this Court. Pursuant to the said order, the answer-sheets of the petitioner were produced by respondent No.2-MPSC before us for perusal.

4. Learned counsel for respondent No.2 -MPSC submits that a candidate is not entitled to seek re-evaluation of answer-sheet in absence of any provision to that effect. It is submitted that Rule 11(2) of Rules framed by Maharashtra Public Service Commission prohibits re-evaluation of answer-sheet. In support of his submission, learned counsel has

placed reliance on the judgment in the case of ***Ran Vijay Singh and Ors vs. State of Uttar Pradesh and ors.*** so also the judgment in the case of ***Himachal Pradesh Public Service Commission vs. Mukesh Thakur & Anr.***

5. As regards moderation of answer-sheet, learned counsel for respondent No.2- MPSC submits that the same is permissible only for such students who have obtained marks in the range of 40 to 50. It is submitted that the petitioner got 51 marks in civil paper and 55 in criminal paper and therefore, this Court cannot direct moderation or re-evaluation of the petitioner's answer-sheets.

6. We have perused the answer-sheets of the petitioner and find that in the civil answer-sheet, all the 12 questions carrying 4 marks are given 2 marks each and all the 4 questions carrying 8 marks are given 4 marks each. We thus find that such evaluation of civil answer-sheet is done in a perfunctory manner and without an individualised assessment of the petitioner's answers. In the facts and circumstances of the present case, by way of interim order we therefore, direct respondent No.2- MPSC to conduct moderation of the civil answer-sheet of the petitioner within a period of two weeks from today. Respondent No.2 shall submit the result in a sealed envelope to this Court on the next date.

7. We will consider the submission of respondent No.2- MPSC on merit after the result of moderation of the civil

answer-sheet is submitted to this Court.

8. List the petition on 31st July 2025.

9. The learned counsel for respondent No.2-MPSC submits that to enable the respondent No.2 to challenge this order, it be stayed for a period of four weeks. However in the facts and circumstances of the case the request is rejected.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)