

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3454 OF 2019  
WITH  
WRIT PETITION NO. 133 OF 2020

Dr. (Smt.) Pratibha Mangilal Chavan ... Petitioner

versus

The Chairman,  
Maharashtra Public Service Commission  
and Others ... Respondents

.....

Mr.Sanjay Sawant with Mr. Abhishek Deshmukh for the Petitioner.  
Mr.Hemant Haryan, AGP for Respondent No.1.  
Mr.Pramod Bhosale i/b. Ms.Devika Nigade for Respondent No.3 in  
WP No. 3454 of 2019 and for Respondent No.5 in WP No. 133 of  
2020.

.....

CORAM : NITIN JAMDAR &  
SANDEEP V. MARNE, JJ.

DATE : 11 AUGUST 2023

**P.C.:**

The learned Counsel for the Petitioner sought to contend before us that the Petitioner has been wrongfully denied the opportunity of participating in the interview even though the Petitioner had the eligibility criteria regarding the experience.

2. The learned Counsel for Respondent No.1- Maharashtra Public Service Commission (MPSC) submitted that the Petitioner was not called for interview in view of the shortlisting criteria. However, Rule 9 of the Rules of Procedure of the Maharashtra Public Service Commission, 2014 stipulates that when two posts are advertised, eight candidates, that is, four candidates for each post are required to be called for interview. The learned Counsel for the Respondent- MPSC sought to contend that one post was reserved for open category and the one post was reserved for SC category. This needed to be segregated. He submitted that for the two posts being so segregated, number of the candidates would be shortlisted for interview would be four. However, this Rule stipulates that for one post, five candidates are to be called for interview and for two post, eight candidates are to be called for interview. If two post are to be segregated, then for each post five candidates should have been called for interview. Faced with this position, the learned Counsel for the Respondent -MPSC seeks time to take instructions whether the Petitioner would be interviewed and the marks be kept in a sealed cover to be presented before this Court so that further course of action can be decided.

3. The learned Counsel for Respondent No.5 submitted that even if the Petitioner secures higher marks than Respondent No. 5, Respondent No.5 cannot be affected as he is the only duly qualified

candidate in SC category which is not yet filled up, and Respondent No. 5 can be accommodated on the said reserved post. The learned Counsel also contended that if the marks are less, Respondent No. 5 cannot be affected. Be that as it may, we will proceed further after the stand is made clear by the learned Counsel for the Respondent-MPSC.

4. Stand over to **18 August 2023**, to be listed under the caption “For Directions”.

( SANDEEP V. MARNE, J.)

(NITIN JAMDAR, J.)