

BEFORE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. _____ OF 2024

DISTRICT :AURANGABAD

BETWEEN :-

1. Rushikesh s/o Babasaheb Shinde,
Age: 26 years, Occu. Student,
R/o Dinapur, Post. Dhupkheda,
Tq. Paithan, Dist. Aurangabad
Mob. No. 7038947877
2. Omkar s/o Maruti Shejul,
Age: 26 years, Occu. Student,
R/o Saujanya Nagar, Near Balaji
Nagar, Aurangabad
Mob. No.8208217609

...APPLICANTS

AND

- 1) The State of Maharashtra
Through its Principal Secretary,
State Excise Department,
Mantralaya, Mumbai-400 032.
- 2) The Commissioner of State Excise,
Maharashtra State, Mumbai
Old Custom House, 2nd Floor,
Shahid Bhagatsingh Road,
Fort, Mumbai-400 023

(For Resp. Nos.1 & 2 Copy to be served on CPO, M.A.T.Mumbai, Bench at Aurangabad)

...**RESPONDENTS**

I) **JURISDICTION:-**

A) The applicants state that the cause of action arose at the places, where the applicants are presently residing, i.e. Aurangabad, which comes within the jurisdiction of this Hon'ble Tribunal.

II) **LIMITATION:**

A) The applicants state that this application is filed within the period of limitation as per Section 21 of the Administrative Tribunals Act and, therefore, there is no delay in filing the same.

III) **PARTICULARS OF THE IMPUGNED ORDER:**

(A) The applicants are challenging the legality, validity and correctness of the impugned action on the part of Respondent No.2 in adopting method of normalization for awarding the marks in the On-line computer based test and seeking directions to Respondent No.2 to publish a Merit List of the candidates in accordance with the actual marks secured by them in the on-line test before normalization method and further restraining Respondent No.2 to proceed ahead with the

recruitment process as per the State Merit List published by it on 20.03.2024.

IV) THE BRIEF FACTS OF THE CASE:-

A. The applicants state that, the applicants had passed SSC, HSC and also completed their graduation from the concern faculty. The educational qualification document will be placed on record as and when required.

B. The applicants state that, Respondent No.2 had published an advertisement No.EST/1122/Recruitment-2022/32/2 A-3 dated Nil November, 2023, thereby inviting online applications for various posts including Constable by conducting On-line Computer Base Examination, according to which, the date for registration was 17th November, 2023 and last date of registration was 01st December, 2023. Hereto annexed and marked as **EXHIBIT-A** is a copy of Advertisement No. EST/1122/Recruitment-2022/32/2 A-3.

C. The applicants state that Respondent No.2 also published the Recruitment Rules on 28.03.2023 and Procedure for New Recruitment and Application form and Information Brochure for recruitment of Constable, Driver and other posts Competitive Online Test-2023. As per the Rule 3 of the said

Rules and Procedure, it relates to conduct and schedule of competitive online test 2023. As Rule 3 the written examination will be conducted for 120 marks where 80 marks will be given for physical and ground. Rule 4 provides for negative marking. As per the Rule 4, 0.25 marks will deducted for each wrong answer. Further it is also provide that, if a question is not answered then negative marking is not applicable for that question. Further Rule 6 provide that, minimum 45% marks will be required for qualifying for second round i.e. physical examination and 10 candidates will be selected for one seat for each category. Rule 8 and 9 provides assessment for physical test. Rule 5 provides that, exam will be conducted in nature of multiple choice question paper and examination will be 1 1/2 hour. Further, each question will be given one mark accordingly 120 questions will be asked for 120 marks. Rule 10 is provide that, the competent authority will publish state merit list as per the category in accordance with law. Therefore, the recruitment process is to be conducted as per the said Rules and Procedure declared by Respondent No.2 and more particularly in terms of the Rules referred hereinabove. Hereto annexed and marked as **EXHIBIT- B** is a copy of Recruitment Rules dated 28.03.2023.

D. The applicants state that, the applicants since possess requisite educational and other qualifications required, in pursuance of the aforesaid Advertisement published by Respondent No.2, they have submitted their on-line applications, furnishing and required details and particulars; necessary fees and uploading the scanned copies of the required documents, within stipulated time. Hereto annexed and marked as **EXHIBIT- C collectively** are the copies of On-line applications submitted by the respective applicants.

E. The applicants state that, pursuant to their on-line applications, they were allowed to appear for the on-line competitive test-2023 for the post of Constable and Driver and the On-line Test was conducted from 08.01.2024 to 14.01.2024 and the applicants have appeared the said On-line test and they are made available their respective photo copy of the Answer sheet with answer key. Hereto annexed and marked as **EXHIBIT- D** is the copy of Answer Key and marks secured by the applicants in the Online test.

F. The applicants state that thereafter the Respondent No.2 has declared the result of the On-line Competitive Test-2023 with the original marks of the candidates and published

merit list as per their original marks on 15.03.2024 but subsequently all of sudden the said merit list was deleted/ removed from the website i.e. stateexcise.maharashtra.gov.in. And on 20.03.2024 to the utter surprise the applicants realized that the Respondent No.2 has adopted a normalization method to award the marks to the candidates in On-line competitive test-2023, which has resulted in variation of marks secured by the candidates. In this regard it is submitted that once the Recruitment process is set in motion, until and unless it is completed in terms of the Rules and Procedure for New Recruitment, during interregnum the Respondent No.2 cannot adopt a novel and new method of normalization for awarding the marks to the candidates, which has resulted in variation in securing marks by each of the candidates in the online test, causing loss to the candidates.

G. The applicants state that in view of the above referred Rules, the State Merit List is to be published by Respondent No.2 as per the marks secured by the candidates in the online test; however, it seems that the Respondent No.2 while publishing the State Merit List on 20.03.2024, has adopted normalization method for awarding the marks, as a result of which, there is change in securing the marks by the

candidates including the present applicants. As regards marks secured by applicant No.1 is concerned, after normalization, 0.50 marks are increased in his total secured marks; as far as applicant No.2 is concerned, 2.2 marks are increased.

H. The applicants state that they got knowledge that those candidates who secured less marks before normalization, ultimately shown to have been secured more marks after adopting the method of normalization. For example, if a candidate has secured 80 marks before normalization, he is shown to have secured 90 marks after normalization and, therefore, there is sheer discrimination in awarding the marks in the On-line test after normalization method adopted by Respondent No.2, same has caused hard burn who have already ensured their berth in rank list .

I. The applicants state that Respondent No.2 on 20.03.2024 published a State Merit List of about 150179 candidates, according to which, after normalization method, the marks secured by each of the candidates seem to have been changed/altered and, therefore, the said State Merit List is not prepared in view of the actual marks secured by each of the candidates in the Online test. The candidates who have secured

less marks, before adopting normalization method, are shown to have been secured more marks and on the contrary, the candidates who are shown to have received less marks before normalization, are shown to have secured more marks after normalization method adopted by Respondent No.2 and, therefore, by adopting such novel method of normalization, RespondentNo.2 has created an anomalous situation amongst the candidates, which is causing serious hardships to the candidates participating in the recruitment process. Hereto annexed and marked as **EXHIBIT-E collectively** are the copies of relevant extract of a list of the some of the candidates including the applicants showing their application number; Roll number; names of the candidates and marks secured after normalization. The applicants crave leave of this Hon'ble Tribunal to place on record a bunch of entire State Merit List of total 150179 candidates published by Respondent No.2 on 20.03.2024 at the time of hearing.

J. The applicants state that, therefore, being aggrieved and dissatisfied by the action on the part of Respondent No.2 in adopting normalization method for awarding the marks to the candidates in the online competitive test-2023, whereby the marks secured by most of the candidates are shown to have

been reduced and the said State Merit List is not in accordance with the Rules and Procedure published by the Respondent No.2, the applicants are approaching this Hon'ble Tribunal by way of this Original Application on the following amongst other grounds, which are without prejudice to each other, -

GROUND

- i. That, the impugned action on the part of Respondent No.2, in publishing the State Merit List on 20.03.2024, by adopting the normalization method in award of marks in the On-line Test 2023, is unjust, arbitrary and illegal, since it makes variations and alterations in marks secured by the candidates in online test-2023 and, therefore, and it is liable to be quashed and set aside.
- ii. It ought to have been considered that once the Recruitment process is set in motion, until and unless it is completed in terms of the Rules and Procedure for New Recruitment, during interregnum the Respondent No.2 cannot adopt a novel and new method of normalization for awarding the marks to the candidates, which has

resulted in variation in securing marks by each of the candidates in the online test, causing loss to the candidates.

- iii. That, State Merit List published by the Respondent No.2 on 20.03.2024 is contrary to the Rules and Procedure for New Recruitment notified by Respondent No.2 conducting the recruitment process-2023.
- iv. It further ought to be considered that the Rules and Procedure for New Recruitment notified by Respondent No.2 for conducting the recruitment process-2023 do nowhere prescribe that Respondent No.2 may, during interregnum period, adopt normalization method for awarding the marks to the candidates in Online test-2023.
- v. It ought to have been considered that, the exam conducting the body i.e. Tata Consultancy Services have mentioned specific clause as regards adopting the normalization procedure in some of the advertisements for respective posts and then only they have declared the results accordingly by using

normalization system. Further, similar exam conducting body has also conducted exams for forest department for various posts wherein it is not mentioned in the advertisement that, they will declare the results by normalization method and accordingly they have published the result with original marks of the candidates even though quantity of the candidates applied for the exam are in tune 450000 and that exam is also conducted in number of shifts but still normalization formula was not applied and result was declare without adopting normalization method. But, in this case the conducting body neither has mentioned specific clause as regards the normalization system nor they have subsequently published any notification in respect of the same. Under such circumstances adopting normalization method during interregnum period awarding the marks to the candidate in online test will create hardship to the candidates and will throw them out of the merit list who are already eligible. Under such circumstances the respondent No.2 cannot go beyond the

advertisement and their Rules. Hereto annexed and marked as “**Exhibit-F**” collectively are the copies of advertisement of various posts and the result without normalization system.

- vi. That, the modality and conduct of the exam conducting body i.e. TCS that, declaring the result initially without normalization system publishing it on website and subsequently deleting and thereafter, declaring the result again with normalization shows that, the selection process has not done transparently and it creates doubt on exam conducting body consequently it question the result declared by the respondent No.2.
- vii. That, the impugned action on the part of Respondent No.2 in adopting normalization method in awarding the marks to the candidates, is otherwise bad in law and deserves to be quashed and set aside.
- viii. That, the impugned action on the part of respondent No.2 that is change of criteria of evaluation after starting selection process is

arbitrary without reason and unsustainable in the law.

- ix. As to whether, not disclosing the procedure of adopting the normalization method to the candidates in advertisement itself will vitiate the selection process as is not in consonance with any provisions of recruitment rules.
- x. As to whether, the methodology adopted by the respondent No.2 resorting to the normalization process is a departure in the midway of selection process and on that count merit list can be approved.
- xi. As to whether, in absence of any specific rule or provision as regards adopting the normalization method the respondent No.2 can adopt its own procedure.
- xii. Whether, the compensatory marks awarded to the candidates considering the difficulty of question papers and efficiency of candidate in the teeth of normalization methodology is proper and fair evaluation as against those candidates who are

already eligible and ensure their berth in the rank list.

V) PARTICULARS OF POSTAL ORDER:

- i) Postal Order No. _____
- ii) Date : _____

VI) RELIEFS SOUGHT:

- A) This original application may kindly be allowed;
- B) The impugned State Merit List published by Respondent No.2 on 20.03.2024, after adopting the normalization method in awarding the marks to the candidates in On-line Test 2023 for appointment to the post of Constable, may kindly be quashed and set aside and Respondent No.2 may kindly be directed to publish State Merit List of the candidates as per the actual marks secured by them in the Online Test 2023 before adopting the normalization method; and for that purpose, issue necessary orders;
- C) Pending hearing and final disposal of this Original Application, the further process of recruitment of Constable, initiated as per Advertisement No. EST/1122/Recruitment-

2022/32/2 A-3 dated Nil November, 2023, may kindly be stayed; and for that purpose, issue necessary orders;

- D) Pending hearing and final disposal of this Original Application, Respondent No.2 may kindly be restrained from proceeding further as per the State Merit List published by it on 20.03.2024, after adopting the normalization method, for awarding marks in Online Test 2023; and for that purpose, issue necessary orders;
- E) Any other relief, which this Hon'ble Tribunal may deem fit may kindly be granted in favour of the applicants.

AND FOR THIS ACT OF JUSTICE AND KINDNESS, THE APPLICANTS, AS IN DUTY BOUND SHALL EVER PRAY.

DATE: ___/03/2024
Place: Aurangabad.

DHANAJAY S. PATIL
ADVOCATE FOR APPLICANTS

VERIFICATION

I, Rushikesh s/o Babasaheb Shinde, Age: 26 years, Occu. Student, R/o Dinapur, Post. Dhupkheda, Tq. Paithan, Dist. Aurangabad, the applicant No.2 hereinabove do myself and on behalf of the remaining applicants hereby state on solemn affirmation that the contents of Para nos. I to V are true and correct to the best of my knowledge and contents of Para no.VI (A) to (E) are my humble prayers, which are explained to me in vernacular.

Hence, signed and verified this on ____ day of March, 2024, at Aurangabad.

Identified and
Explained by:

DEPONENT

DHANANJAY S. PATIL
(Advocate/Clerk)

Rushikesh s/o Babasaheb Shinde

**BEFORE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI, BENCH AT AURANABAD**

ORIGINAL APPLICATION NO. _____ OF 2024

DISTRICT :AURANGABAD

BETWEEN :-

Rushikesh s/o Babasaheb Shinde
& Ors.

...APPLICANTS

VERSUS

The State of Maharashtra & Anr.

RESPONDENTS

LIST OF DOCUMENTS

Sr. No	Particulars	Exh.	Page Nos.
1)	A copy of Advertisement No. EST/1122/Recruitment-2022/32/2 A-3	A	
2)	A copy of Recruitment Rules dated 28.03.2023	B	
3)	The copies of On-line applications submitted by the respective applicants	C colly	
4)	The copy of Answer Key and marks secured by the applicants in the Online test	D colly	
5)	Copies of relevant extract of a list of the some of the candidates including the applicants	“E”	
6)	The copies of advertisement of various posts and the result without normalization system	F colly	
	Last Page:-		

DATE: ___/03/2024
Place:Aurangabad.

DHANAJAY S. PATIL
ADVOCATE FOR APPLICANTS

**BEFORE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI, BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. _____ OF 2024

DISTRICT :AURANGABAD

Rushikesh s/o Babasaheb Shinde
& Ors.

...APPLICANTS

VERSUS

The State of Maharashtra & Anr.

RESPONDENTS

INDEX

Sr. No	Particulars	Exh.	Page Nos.
*	Memo of Orig. Application		
*	List of Documents		
1)	A copy of Advertisement No. EST/1122/Recruitment-2022/32/2 A-3	A	
2)	A copy of Recruitment Rules dated 28.03.2023	B	
3)	The copies of On-line applications submitted by the respective applicants	C colly	
4)	The copy of Answer Key and marks secured by the applicants in the Online test	D colly	
5)	Copies of relevant extract of a list of the some of the candidates including the applicants	"E"	
6)	The copies of advertisement of various posts and the result without normalization system	F colly	
	Last Page:-		

DATE: __/03/2024
Place: Aurangabad.

DHANAJAY S. PATIL
ADVOCATE FOR APPLICANTS

**BEFORE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI, BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. _____ OF 2024

DISTRICT :AURANGABAD

BETWEEN :-

Rushikesh s/o Babasaheb Shinde
& Ors.

...APPLICANTS

VERSUS

The State of Maharashtra & Anr.

RESPONDENTS

SYNOPSIS

Sr. No.	DATES	PARTICULARS OF EVENTS
1)		The applicants are challenging the legality, validity and correctness of the impugned action on the part of Respondent No.2 in adopting method of normalization for awarding the marks in the On-line test and seeking directions to Respondent No.2 to publish a Merit List of the candidates in accordance with the actual marks secured by them in the on-line test before normalization method and further restraining Respondent No.2 to proceed ahead with the recruitment process as per the State Merit List published by it on 20.03.2024.
2)	Nil November 2023	Respondent No.2 had published an advertisement dated Nil November, 2023, thereby inviting online applications for various posts by conducting On-line Competitive Post-2023.
3)		In pursuance of the aforesaid Advertisement published by Respondent No.2, they have submitted their on-line applications, furnishing and required

		details and particulars; necessary fees and uploading the scanned copies of the required documents, within stipulated time.
4)	--	The applicant were allowed to appear for the on-line competitive test-2023 for the post of Staff Nurse and the On-line Test was conducted on 20 th June, 2023 and the applicants have appeared the said On-line test and they are made available their respective photo copy of the Answer sheet with answer key.
5)	20.03.2024	Respondent No.2 has declared the result of the On-line Competitive Test-2023 and to the utter surprise the applicants realized that the Respondent No.2 has adopted a normalization method to award the marks to the candidates in On-line competitive test-2023, which has resulted in variation of marks secured by the candidates.
5)		Therefore, being aggrieved and dissatisfied by the action on the part of Respondent No.2 in adopting normalization method for awarding the marks to the candidates in the online competitive test-2023, whereby the marks secured by most of the candidates are shown to have been reduced and the said State Merit List is not in accordance with the Rules and Procedure published by the Respondent No.2, the applicants are approaching this Hon'ble Tribunal by way of this Original Application on the other grounds/submissions, as set out therein,
		Hence, this Original Application.

POINTS TO BE ARGUED:

- i. Whether in the peculiar facts and circumstances of the case, the impugned State Merit List published

by Respondent No.2 deserves to be quashed and set aside ?

- ii.** Whether the Respondents need to be restrained from proceeding ahead with the recruitment process ?

ACTS AND LAW:

- i) Constitution of India;
- ii)

CITATIONS : At present nil.

DATE: __/03/2024
Place:Aurangabad.

DHANAJAY S. PATIL
ADVOCATE FOR APPLICANTS