



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7650 OF 2023

1. Ashok Mallinath Halsangi,
2. Satyawan Bhairavnath Godase, ..Petitioners

Versus

1. The State of Maharashtra,
Through the Secretary,
2. The Superintendent of Police
3. The Additional Director General of Police
4. Anil Bhaskar Pakhare,
5. Dhanaji Bhagwan Vagare,
6. Ehatesham Abdulgafar Shaikh,
7. Arun Ulhas Godse,
8. Kiran Krushna Raut, ..Respondents

WITH

WRIT PETITION NO.5299 OF 2023

- Amit Harishchandra Daphal ..Petitioner

Versus

1. The State of Maharashtra,

2. The Superintendent of Police
3. The Additional Director General of Police

..Respondents

WITH
WRIT PETITION NO.5300 OF 2023

Nitin Pandurang Shejwal

..Petitioner

Versus

1. The State of Maharashtra,
2. The Commissioner of Police, Thane
M. K. Road, Thane, Maharashtra - 400 601
3. The Additional Director General of Police

4. Vaibhav Laxman Ghumare,
5. Nitin Ashok Nangare,
6. Samadhan Jotiram Jadhav,
7. Atish Patil,
8. Ajit Balram Bhoir

..Respondents

WITH
WRIT PETITION NO.5301 OF 2023

2. The Commissioner of Police,

3. The Additional Director General of Police

4. Vaibhav Laxman Ghumare,
5. Nitin Ashok Nangare,
6. Samadhan Jotiram Jadhav,
7. Atish Patil,
8. Ajit Balram Bhoir,
9. Anil Bhaskar Pakhare,
10. Ram Popat Rawalu,
11. Sagar Vitthal Londe,
12. Dhanji Bhagwan Vagare,
13. Ehatsham Abdulgafar Shaikh,
14. Anant Ashroba Jogdand,
15. Arun Ulhas Godse,
16. Kiran Krushnat Raut ..Respondents

WITH
INTERIM APPLICATION NO.6500 OF 2024
IN
WRIT PETITION NO.7524 OF 2023

Ehtesham Abdulgafar Shaikh & Anr. ..Applicants

IN THE MATTER BETWEEN:-

1. Sandip Dilip Shinde
2. Amol Vithal Khandekar ..Petitioners

Versus

1. The State of Maharashtra,

2. The Commissioner of Police,

3. The Additional Director General of Police

4. Vaibhav Laxman Ghumare,
5. Nitin Ashok Nangare,
6. Samadhan Jotiram Jadhav,
7. Atish Patil,
8. Ajit Balram Bhoir,
9. Anil Bhaskar Pakhare,
10. Ram Popat Rawalu,
11. Sagar Vitthal Londe,
12. Dhanji Bhagwan Vagare,
13. Ehatasham Abdulgafar Shaikh,
14. Anant Ashroba Jogdand,
15. Arun Ulhas Godse,
16. Kiran Krushnat Raut ..Respondents

WITH
WRIT PETITION NO.7525 OF 2023

Shubham Janardhan Sawant ..Petitioner

Versus

1. The State of Maharashtra,

2. The Commissioner of Police, Mumbai

3. The Additional Director General of Police

4. Anil Bhaskar Pakhare,

5. Ram Popat Rawalu,

6. Sagar Vitthal Londe

7. Dhanji Bhagwan Vagare,

8. Ehatesham Abdulgafar Shaikh,

9. Anant Ashroba Jogdand,

10. Arun Ulhas Godse,

11. Kiran Krushnat Raut

..Respondents

WITH

WRIT PETITION NO.6088 OF 2023

Pankaj Lahu Phanse

..Petitioner

Versus

1. The State of Maharashtra,

2. The Commissioner of Police,

3. The Additional Director General of Police

4. Vaibhav Laxman Ghumare,

5. Nitin Ashok Nangare,

6. Samadhan Jotiram Jadhav,

7. Atish Patil

..Respondents

2. The Superintendent of Police,
3. The Additional Director General of Police
4. Ganesh Pawar,
5. Somnath Appa Gawali,
6. Ramdas Shravan Padle

..Respondents

WITH
WRIT PETITION NO.13094 OF 2023

1. Vijay s/o Bhaurao Khande,
2. Yogesh s/o Vijay Patil,
3. Raju s/o Vinod Fulkar,
4. Sunil s/o Bhanudas Rajemod,
5. Mahendra s/o Bhausahab Motkar,
6. Anil s/o Chandrabhan Madane

..Petitioners

Versus

1. The State of Maharashtra,
2. The Director General of Police,
3. The Addl. Director General of Police

4. The Commissioner of Police,
 5. The Superintendent of Police,
 6. Vijay Rajendra Sarole,
 7. Sumit Kisan Rathod,
 8. Shrikrushna Niranjana Damre,
 9. Shankar s/o Balasaheb Survase,
 10. Sham s/o Laxman Takale,
 11. Vaibhav Laxman Ghumare,
 12. Nitin Ashok Nangare,
 13. Samadhan Jyotiram Jadhav,
 14. Atish Patil,
 15. Ajit Balram Bhoir,
 16. Ganesh Pawar,
 17. Somnath Appa Gawali,
 18. Ramdas Shravan Padle,
 19. Mahadeo Dnyandev Patil,
 20. Vijay Ashok Bhowad,
 21. Anil Bhaskar Pakhare,
 22. Ram Popat Rawalu,
 23. Sagar Vitthal Londhe,
 24. Dhanaji Bhagwan Vagare,
 25. Ehatasham Abdulgafar Sheikh,
 26. Anant Ashroba Jogdand,
 27. Arun Ulhas Godse,
 28. Kiran Krushnat Raut
- ..Respondents**

WITH
WRIT PETITION NO.13107 OF 2023

1. Umesh s/o Madhukar Deshmukh,
 2. Sagar s/o Babanrao Karhale,
 3. Akshay s/o Balu Dhanwate,
 4. Ankush s/o Uttam Nikam
- ..Petitioners**

Versus

1. The State of Maharashtra,

2. The Director General of Police,

3. The Additional Director General of Police

4. The Commissioner of Police,

..Respondents

Mr. Sandeep Dere a/w Ms. Arati Patil Dere & Ms. Sonali Pawar for the Petitioners in WP Nos.5299/23, 5300/23, 5301/23, 7650/23, 6088/23, 6089/23 and 6090/23.

Ms. Gayatri Singh, Senior Advocate i/by. Mr. Kartikeya Bahadur, Mr. Sangram Chinnappa & Mr. Kaustubh Gidh for the Petitioner in WP/7524/23 & WP/7525/23.

Mr. B. V. Samant, Addl. GP a/w Ms. T. N. Bhatia, AGP for the Respondent-State in all writ petitions.

Mr. Dinesh B. Khaire a/w Ms. Purva Pradhan for Respondent Nos.4 to 16 in WP/7524/23 and for Respondent Nos. 4 to 10 in WP/7525/23.

Mr. S. B. Talekar a/w. Mr. Madhavi Ayyappan, Mr. Shubham Gurav i/by. Talekar & Associates for Respondent No.6 in WP/7650/23, for Respondent Nos.11 & 13 in WP/7524/2023 & Respondent Nos.6 & 8 in WP/7525/2023.

Mr. Pranav Avhad a/w Ms. Darshna Naval and Mr. Yashasvi Pandey for Respondent Nos.4 to 7 in WP/5300/23, WP/5301/23, WP/6088/2023 & WP/6090/2023.

Mr. Abhijeet Desai a/w. Mr. Karan Gajara, Ms. Sanchita Sontakke, Mr. Vijay Singh, Ms. Daksha Punghera & Mr. Digvijay Kachare for Respondent No.8 in WP/7650/2023.

Mr. S. S. Thombare a/w Ms. Sakshi Thombare (through VC) for the Petitioner in Writ Petition No.13107 of 2023.

**CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.**

Date on which the Arguments were concluded : 12th APRIL 2024.

Date on which the Judgment is pronounced : 3rd MAY 2024.

Judgment :- (Per Jitendra Jain, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.

2. These group of Writ Petitions have been filed under Article 226 of the Constitution of India challenging the order dated 17th March 2023 of the Full Bench of Maharashtra Administrative Tribunal, Mumbai (for short ‘Tribunal’) in various Original Applications (OA) filed. Since all these Writ Petitions raises a common issue for consideration of this Court, same are disposed of by a common judgment.

Brief facts leading to present adjudication of the issue which arises for our consideration are as under :-

3. On 30th November 2019, the Respondent-State issued a advertisement for the recruitment of three posts (i) District Police Constable Driver, (ii) Railway Police Constable Driver and (iii) SRPF Armed Police Constable. However, the dispute which is the subject matter of the present petition pertains only for the post of District Police Constable Driver.

4. Pursuant to the above advertisement, around 1,17,000 applications were received for the post of Police Constable Drivers. Out of 1,17,000 applications, it was noticed by the Respondent-State that around 2897 candidates have filled in more than one application for the said post. The Respondent-State disqualified/terminated these candidates on the ground that the advertisement specifically provided that one candidate cannot make more than one application for the same post in various districts. These 2897 candidates made multiple applications for the said one post in different districts with different mobile numbers, email ids and in some of the cases different aadhaar card numbers. Some of the candidates did not even furnish their aadhaar card numbers. Some of these candidates also made minor changes to the spelling of their parent's name etc. in different applications. It is on this backdrop that we are called upon to adjudicate the correctness of the decision rendered by the Full Bench of the Tribunal, wherein the Full Bench has come to a conclusion that on a reading of clause 11.10 of the advertisement, these candidates were rightly disqualified.

5. Before the Tribunal various issues were raised by the candidates which are reproduced in paragraph 24 of the impugned order, which reads thus:-

“24. After having heard the arguments of the learned counsel appearing for the applicants in Group-I, as well as, Group-II applications, the learned Chief Presenting Officer appearing for the State Authorities and the learned counsel Shri Moon and after having perused the documents filed on record, broadly the following issues arise for our determination :-

(a) Restriction imposed vide clause 11.10 in the advertisement dated 30.11.2019, thereby prohibiting the candidates from making application for one and the same post in more than one Unit, whether can be held violative of the fundamental rights granted under Articles 14, 16 and 19 of the Constitution ?

(b) Challenge to the recruitment process and more particularly to clause 11.10 in the advertisement dated 30.11.2019 by the applicants in Group-I applications after having themselves taken part in it, whether maintainable?

(c) whether Group-I applications suffer from vice of non-joinder of necessary parties ?

(d) whether show-cause notices issued to the applicants in Group-II applications are sustainable ?

(e) what order ?”

However, before this Court the only issue pressed for our consideration is the interpretation of clause 11.10 of the advertisement.

5. It is the contention of the Petitioners that the Full Bench of the Tribunal has not considered clause 11.17 of the advertisement which provides that if two email ids are furnished then the one which is registered first will be considered for all the purposes of the recruitment process and the other email ids will be ignored to contend that more than one application is permissible. The Petitioners further contended that clause 11.10 does not prohibit a candidate to apply for the same post in different districts since the recruitment is *qua* each district. The Petitioners submit that on a harmonious reading of clause 11.10 read

with 11.17, the restriction is that a candidate for the same district cannot apply for the same post more than once. The Petitioners, therefore, submitted that since they have applied for the said post by making more than one application for different districts, Respondent-State is not justified in disqualifying/terminating them.

6. Per contra, the Respondent through State and other successful candidates have contended that by the *modus operandi* adopted by the Petitioners, they have violated the condition specified in clause 11.10 by making multiple applications for the same post in different districts. The Respondent-State submitted that clauses 11.10 and 11.17 operate in different fields and same cannot be construed harmoniously, but are to be construed independently. The Respondent submitted that the post for which the advertisement has been issued is for the candidates who will regulate law and order of the State and if a candidate has violated clause 11.10 by making multiple applications, such candidates have played fraud and are not fit for being considered for the post. The Respondents submitted that from the conduct and acts of the Petitioners it is very clear that they have intentionally made more than one application by giving different mobile number, email ids etc. The Respondents, therefore, supported the order of the Tribunal and prayed for dismissal of the present petition.

7. We have heard the learned counsel for the Petitioners and learned counsel for the Respondents and with their assistance have perused the documents annexed to the petition.

8. Before we deliberate the issue which is raised for our consideration, it is important to reproduce the relevant clauses 4, 11.10, 11.17, 14.4, 23 and 24 of the advertisement dated 30th November 2019 and its English translation.

“४) उमेदवारांचे अर्ज ऑनलाईन (Online) पध्दतीने स्विकारण्यात येणार असल्याने अर्ज करतांना शैक्षणिक प्रमाणपत्रे / कागदपत्रे, अन्य प्रमाणपत्रे जोडणे आवश्यक नाही. त्यामुळे ऑनलाईन अर्जाची माहिती उमेदवारांनी जाहिरातीमध्ये नमूद केलेल्या सर्व अटी, शैक्षणिक अर्हता व मागणीनुसार आरक्षण, वयोमर्यादा शिथिलीकरण वगैरेची पात्रता तपासूनच भरावी. ऑनलाईन अर्जामध्ये उमेदवाराने त्यांच्या पात्रतेनुसार काळजीपूर्वक संपूर्ण, अचूक व खरी माहिती भरणे आवश्यक आहे. ऑनलाईन पध्दतीने अर्ज भरतांना काही चुका झाल्यास किंवा त्रुटी झाल्यास व भरतीच्या कोणत्याही टप्प्यावर अर्ज नाकारला गेल्यास त्याची सर्वस्वी जबाबदारी संबंधीत उमेदवाराची राहिल. याबाबत उमेदवाराची तक्रार विचारात घेतली जाणार नाही. ऑनलाईन अर्जात भरलेली माहिती अर्ज सादर केल्यानंतर बदलता येणार नाही.

4) As the applications of the candidates are going to be accepted through “Online” mode, it is not necessary to enclose educational certificates / documents, other certificates while submitting the applications. Therefore, candidates shall fill up the information in the online form only after checking all the conditions, educational qualification, reservation sought, relaxation in age-limit etc. eligibility mentioned in the advertisement. Candidates are required to carefully fill up the entire, accurate and true information in the online application as per their eligibility. If any mistake or error is occurred while filling up the form through online mode and if the application is rejected at any stage of the recruitment, then the candidate concerned shall be solely responsible for the same. No complaint in this regard by the candidate shall be entertained. Once the application is submitted, no information filled in in the online application can be changed.

११.१० उमेद्वारास (१) जिल्हा पोलीस दलातील पोलीस आयुक्त / पोलीस अधीक्षक यांच्या आस्थापनेवरील पोलीस शिपाई चालक, (२) लोहमार्ग पोलीस दलातील पोलीस शिपाई चालक व (३) राज्य राखीव पोलीस बलातील सशस्त्र पोलीस शिपाई पदासाठी एक अशा एकूण पदांसाठी तीन आवेदन अर्ज सादर

करता येतील [महिला उमेवारांना राज्य राखीव पोलीस बलातील सशस्त्र पोलीस शिपाई पदासाठी आवेदन अर्ज सादर करता येणार नाही.

एकाच पोलीस घटकातील एकाच पदासाठी एकापेक्षा जास्त अर्ज सादर करता येणार नाहीत, (उदाहरणार्थ:- पोलीस आयुक्त, बृहन्मुंबई यांच्या आस्थापनेवरील पोलीस शिपाई चालक पदासाठी एकापेक्षा जास्त अर्ज भरता येणार नाहीत किंवा राज्य राखीव पोलीस बलातील एकाच गटात सशस्त्र पोलीस शिपाई पदासाठी एकापेक्षा जास्त अर्ज भरता येणार नाहीत). जर एका उमेदवाराने एकाच पोलीस घटकातील एकाच पदासाठी एकापेक्षा अधिक अर्ज केलेले आहेत. असे आढळून आले तर अशा उमेदवारांची उमेदवारी रद्द केली जाईल.

एकाच पदासाठी विविध पोलीस घटकांत आवेदन अर्ज सादर करता येणार नाहीत.

11.10. The candidate may submit three applications, one each for all posts viz. 1) Police Constable/Driver on the Establishment of the Commissioner of Police / Superintendent of Police in District Police Force, 2) Police Constable / Driver in the Railway Police Force and 3) Armed Police Constable in State Reserve Police Force. **[The Female candidates cannot submit Applications for the post of Armed Police Constable in State Reserve Police Force.]**

More than one applications cannot be submitted for one and the same post in one and the same Police Unit. (For example : More than one applications cannot be submitted for the post of Police Constable-Driver on the Establishment of the Commissioner of Police, Greater Mumbai or more than one applications cannot be submitted for the post of Armed Police Constable in one and the same Group of the State Reserve Police Force.) If it is found that a candidate has submitted more than one applications for one and the same post in one and the same Police Unit, then, the candidature of the said candidate shall be cancelled.

Applications for one and the same post cannot be submitted in various Police Units.

११.१७ जर कोणत्याही उमेदवाराने एकापेक्षा अधिक लॉगिन आयडीसह नोंदणी केली असेल तर उमेदवारांची पहिली यशस्वी नोंदणी फक्त पुढील प्रक्रिया जसे हॉल तिकीट, परीक्षेत उपस्थिती, गुणवत्ता यादी आणि अन्य संबंधित प्रक्रियांसाठी विचारात घेण्यात येईल. कोणत्याही डुप्लीकेट नोंदणीस अवैध नोंदणी मानले जाईल आणि कोणत्याही प्रकारचे पैसे परतफेड केले जाणार नाहीत. उमेदवाराद्वारे प्रथम यशस्वी नोंदणीमध्ये काही चुकीची माहिती देण्यात आली असेल तर कृपया या विषयाबद्दलची योग्य प्रक्रिया जाणून घेण्यासाठी enquiry@mahapariksha.gov.in वर लिहा किंवा टोल फ्री क्रमांक १८००३०००७७६६ वर कॉल करा.

11.17 If any candidate has made registration with more than one Log-In ID, then the first successful registration of the candidates shall be taken into consideration only for further

process like Hall Ticket, Attendance at the examination, Merit List and other concerned processes. Any duplicate registration shall be deemed as illegal registration and no money of whatsoever nature shall be refunded. If any erroneous information in the first successful registration has been given by the candidate, then to know the appropriate process in that regard, kindly write to "enquiry@mahapariksha.gov.in" or call on the Toll Free Number 180030007766.

Note: Once the Form is submitted, no permission shall be granted to make any change in the registration details such as "USER NAME" E-mail ID, Reservation Category (parallel or reservation category applicable), 1/2/3 Preference for Examination Centre, Date of Birth, Photograph and signature of the Candidate, details of educational qualification etc.

१४.४ निवडीच्या कोणत्याही टप्प्यावर (निवड प्रक्रिया सुरु झाल्यानंतर किंवा नियुक्तीनंतर कोणत्याही क्षणी) अर्जदार विहित अर्हता धारण न करणारा आढळल्यास, ऑनलाईन अर्जात दिलेली माहिती / अगर कागदपत्रे खोटी सादर केल्याचे किंवा खरी माहिती दडवून ठेवल्यांचे निदर्शनास आल्यास शासनाची दिशाभूल केल्यामुळे त्यांच्यावर प्रत्यक्ष अप्रत्यक्ष दबाव आणल्यास अथवा गैरप्रकारचा अवलंब केल्यास त्यास निवड प्रक्रियेतून वगळण्यात येईल व नियुक्ती झाली असल्यास कोणतीही पूर्वसूचना न देता त्याची नियुक्ती समाप्त करण्यात येवून त्यांच्या विरुद्ध कायदेशीर कारवाई करण्यात येईल.

14.4 At any stage of selection (after the selection process is commenced or at any point of time after the appointment), if it is found that the candidate is not holding the prescribed qualification, has submitted false information in the on-line application / or documents or has concealed the true information, has brought direct / indirect pressure for having misleading the Government or has adopted any improper course, his name shall be removed from the selection process and if he has been appointed, then his appointment shall be terminated without giving any prior notice and legal action shall be initiated against him/her.

२३. विशेष सूचना:-

२३.१.१ उमेदवारांच्या माहितीकरिता www.mahapariksha.gov.in या संकेतस्थळावर प्रस्तावित परीक्षेची कार्यप्रणाली (Software) कशी हाताळावी हे समजण्याकरिता नमुना परीक्षेची लिंक (link) उपलब्ध करून देण्यात येईल.

२३.१.२ उमेदवारांना सरावासाठी (Mock Test) पीडीएफ स्वरूपात नमुना प्रश्नपत्रिका www.mahapariksha.gov.in या संकेतस्थळावर उपलब्ध करून देण्यात येणार आहे.

२३.२ ऑनलाईन अर्जामध्ये भरलेली माहिती आणि कागदपत्रे तपासणीच्या वेळी सादर केलेली कागदपत्रे यात तफावत आढळल्यास उमेदवाराची निवड भरती प्रक्रियेच्या कोणत्याही टप्प्यावर रद्द होऊ शकेल अथवा उमेदवाराने

मागितलेले सामाजिक समांतर आरक्षण अथवा वयोमर्यादा शिचील करणे इत्यादी बदल/सवलती नामंजूर करण्यात येतील.

२३.३ परीक्षा कक्षात परीक्षा केंद्राच्या परिसरात मोबाईल फोन अथवा इतर कोणत्याही प्रकारची इलेक्ट्रॉनिक साधने आणण्यास व वापरण्यास सक्त मनाई आहे.

२३.४ प्रमाणपत्र पडताळणीच्या वेळी प्रमाणपत्रांमध्ये त्रुटी अढळल्यास / माहिती खोटी आढळल्यास अथवा एखादे प्रमाणपत्र सादर न केल्यास उमेदवाराला त्याचवेळी पुढील प्रक्रियेसाठी अपात्र केले जाईल.

२३.५ जाहिरातीतील नमुद केलेले सर्व शासन निर्णय/ अधिसूचना / शासन परिपत्रके ही महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर उपलब्ध आहेत. तसेच महापरीक्षा पोर्टलचे संकेतस्थळावर लिंक करण्यात आलेले आहेत.

23. Special Instructions :-

23.1.1 The Link of the Model examination will be made available on the website viz. www.mahapariksha.gov.in for the information of the candidates, to understand as to how the Software of the proposed examination should be handled.

23.1.2 Model question paper in PDF Format will be made available on the website viz. www.mahapariksha.gov.in for the candidates for practice (mock Test).

23.2 If any discrepancy is found in the information filled in in the on-line application and in the documents submitted at the time of verification of documents then, the selection of the candidate may be cancelled at any stage of recruitment process or the changes/concessions regarding social/parallel reservation or relaxation in age limit, requested by the Candidate shall be rejected.

23.3 Bringing and using the Mobile phones or any types of electronic gadgets in the Examination Hall and within the vicinity of the Examination Centre are strictly prohibited.

23.4 At the time of verification of the certificates, if any error / false information is found in the certificates or if any certificate is not produced, then the Candidate shall be declared ineligible for further process at that time itself.

23.5 All Government Resolutions / Notifications / Government Circulars mentioned in the Advertisement are available on the web-site viz. www.maharashtra.gov.in of the Government of Maharashtra. Similarly, the same are also linked to the web-site of "Mahapariksha" Portal.

२४. उमेदवारांना काही अडचण भासल्यास खालील दिलेल्या हेल्पलाईनवर वेळेत संपर्क साधावा.

अ.क्र.	संस्था / कार्यालयाचे नाव	दूरध्वनी / मोबाईल क्रमांक
१.	ऑनलाईन आवेदन अर्ज भरण्यास काही अडचण असल्यास/प्रवेश पत्राबाबत विचारणा करण्यासाठी महापरीक्षा पोर्टलशी संबंधित संकेतस्थळ व दूरध्वनी क्रमांक	enquiry@mahapariksha.gov.in हेल्प लाईन १८००३०००७७६६
२.	अपर पोलीस महासंचालक, प्रशिक्षण व खास पथके, महाराष्ट्र राज्य, मुंबई (कार्यालयीन वेळेत)	०२२-२२८५५६१४
३.	अपर पोलीस महासंचालक, प्रशिक्षण व खास पथके, महाराष्ट्र राज्य, मुंबई. यांचे e-mail id:-	adg.trg.office@mahapolice.gov.in
४.	पोलीस आयुक्त, वृहन्मुंबई कार्यालय (पोलीस भरती कक्ष) दूरध्वनी क्रमांक	०२२-२४१२३१११

24. If the Candidates face any difficulty then, they may contact on the below-mentioned Help-lines, within time.

Sr.No.	Name of Institution/Office	Telephone/Mobile No.
1.	In case of any difficulty in submitting application on-line/For making enquiry about Admit Card, the Web-site and Telephone number pertaining to the MahaPariksha Portal.	enquiry@mahapariksha.gov.in Helpline : 180030007766
2.	Additional Director General of Police, Training and Special Teams, Maharashtra State, Mumbai (within Office hours)	022 – 22855614
3.	E-mail id of the Additional Director General of Police, Training and Special Teams, Maharashtra State, Mumbai	Adg.trg.office@mahapolice.gov.in
4.	Office of the Commissioner of Police, Greater Mumbai (Police Recruitment Cell) Telephone No.	022-24123111

9. Clause 11.10 of the advertisement provides that a candidate can make three applications, one each for three posts for which the vacancy exists. For example, Mr. A can apply for the post of District Police Constable Driver as well as Police Constable Driver in Railway

Force as well as Armed Police Constable in State Reserve Police Force. The said clause 11.10 further expressly prohibits by using negative language that more than one application cannot be submitted for one and the same post in one and the same Police Unit. The illustration given in the bracketed portion of the said clause makes it very clear that a candidate can make only one application for each of the advertised post and he cannot make more than one application for the same post. Clause 11.10 further expressly provides that if a candidate is found to have submitted more than one application for one and the same post then the candidature of the said candidate shall stand cancelled. In our view, clause 11.10 is very clear and therefore the contention of the Petitioners that on a reading of clause 11.10 a candidate can make more than one application for the same post in different district cannot be accepted. There does not appear to be any confusion in the drafting/reading and understanding of clause 11.10.

10. It is also important to note that the Petitioners have changed their profile while applying in more than one district by either giving different mobile number or different email id or by changing the spelling of the names of their father or any other person etc. We fail to understand that if the Petitioners understanding of clause 11.10 was that they are entitled to make more than one application for the same

post *qua* each of different district then why they changed their profile while making application *qua* different district. This conduct of the Petitioners puts a question mark on their intention while making the application. We are conscious of the fact that due to huge unemployment a candidate would strive every possible attempt to get the employment for his living, but in the attempt to do so one cannot adopt unfair means to get the employment moreso when the post for which the advertisement is issued relates to Police Force which is a disciplined force.

11. Paragraph 2 of Clause 11.10 of states negatively that more than one application cannot be submitted for one and the same post in one and the same police unit. Third paragraph of the said clause 11.10 again negatively provides expressly that applications for one and the same post cannot be submitted in various police units. The conjoint reading of these two sentences in clause 11.10 is very clear, like Nelson's eye, which expressly prohibits the candidate from making application for the same post in more than one police unit. Therefore, even if the contention of the Petitioners by relying upon the definition of "Police Unit" as per Recruitment Rules is to be accepted, still in the light of the express clause of advertisement, the candidate cannot make more than one application for the same post in more than one police unit. On a

reading of clause 11.10 of the advertisement in its entirety, there is not only an express prohibition for making more than one application for the same post in the same unit, but also there is a prohibition for making an application for the same post in more than one unit. Therefore, even on a pure and plain reading of clause 11.10, the submission made by the Petitioners is to be rejected. In our view, there is no ambiguity of clause 11.10 and, therefore, this Court in the garb of judicial review cannot sit in the chair of appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same. This Court cannot adopt interpretative rewriting of clause 11.10 of the advertisement.

12. The contention of the Petitioners that clause 11.17 assists their case is also misconceived. Clause 11.17 deals with a situation where a candidate has created more than one login id. In such a case, the said clause provides that successful registration of the first login id would be considered for further process like issuing hall ticket, attendance, merit list etc. and any duplicate registration shall be deemed as illegal registration. The said clause only deals with login id and it has no relation with clause 11.10 so as to construe both these clauses harmoniously in support of the Petitioners. In our view, clause 11.10 and clause 11.17 operate in two different fields, and therefore, clause

11.17 cannot come to the rescue of the Petitioners. It is also important to note that clause 11.17 expressly provides that if any erroneous information in the first successful registration has been given by the candidate, then to know the appropriate process in that regard, a candidate can either call on the Toll Free Number or write to email address mentioned therein. The Petitioners have not availed this remedy if at all there was some confusion in the interpretation of clause 11.17. The object of clause 11.17 is only to ensure that only one login id is created by one candidate. The objective behind the same is to curb the misuse of a person creating more than one login id and making multiple applications. The said objective is in consonance with clause 11.10 which expressly prohibits a candidate from submitting more than one application for the same post. Therefore, the harmonious construction of the two clauses is to an extent that a candidate cannot be permitted to make more than one application for the same post qua each district. Therefore, the contention of the Petitioners on this count is also required to be rejected.

13. Clause 14.4 of the advertisement provides that if at any stage of selection or after the appointment it is found that a candidate has submitted false information or has concealed the true information or has adopted improper course, then his name shall be removed from the selection process and then his appointment shall be terminated if he has

been appointed, without even giving any prior notice. In the instant case before us, the conduct of the Petitioners of giving different email ids, different cell numbers, changing the profile names of the father etc. would certainly fall within the phrase “improper course as specified in clause 14.4” and it would entitle the Respondent-State to reject a candidate from the selection process or to terminate his appointment. Therefore, in our view, no fault can be found in the Tribunal’s order and the acts of the Respondent-State in disqualifying the Petitioners from selection process or from termination of employment.

14. If the Petitioners had any doubt on the interpretation of clause 11.10 (although according to us it is very clear), the Petitioners could have approached the help-line provided in clause 24 for necessary clarification. It is not the case of the Petitioners that on approaching the help-line the mode adopted by them was confirmed by the office of the help-line or the office of the help-line has approved the mode adopted by the Petitioners. Therefore even on this count, the submission of the Petitioners cannot be accepted.

15. It is important to note that around 1,17,000 candidates applied for the post out of which 2897 candidates were found to have adopted the course of making multiple applications. It means that only 2.47% of the total candidates adopted such course while 97.5% of the

candidates correctly made one application for one post on a proper understanding of clause 11.10. If the Petitioners' contention on a reading of clause 11.10 is to be accepted then we fail to understand why miniscule percentage of the candidates understood so and why almost 97.5% candidates understood the clause correctly. In our view, accepting the submission of the Petitioners would amount to giving premium to such conduct and punishing the prudent candidates which course of action cannot be approved by this Court, irrespective of the post for which the vacancy has been advertised and although moreso in the present case where vacancy is in the Police Force.

16. It is also important to note clause 4 of the said advertisement which provides that if any mistake is found in making online application then a candidate would be rejected at any stage of the selection process and the candidate only will be solely responsible. This clause also justifies the action of the Respondent-State and which has been approved by the Tribunal for disqualifying the candidates and/or for terminating their employment.

17. In this connection, we are reminded of a leading decision of the Supreme Court in the case of *Chairman and Managing Director, Food Corporation of India & Ors. vs. Jagdish Balram Bahira & Ors.*¹ where the Supreme Court has noted the responsibility of Courts to guard against

1 (2017) 8 SCC 670

fraudulent employment, especially when such appointment is obtained by perpetuating fraud upon the authorities and this Court cannot permit such practice to gain public employment. Paragraph No.4 of the said decision reads as under :-

“4. ...Public employment is a significant source of social mobility. Access to education opens the doors to secure futures. As a matter of principle, in the exercise of its constitutional jurisdiction, the court must weigh against an interpretation which will protect unjust claims over the just, fraud over legality and expediency over principle. As the nation evolves, the role of institution the court must be as an which abides by constitutional principle, enforces the rule of law and reaffirms the belief that claims based upon fraud, expediency and subterfuge will not be recognised. these parameters are established clear judicial formulation Once with a individual cases should pose no problem. Usurpation of constitutional benefits by persons who are not entitled to them must be answered by the court in the only way permissible for an institution which has to uphold the rule of law. Unless the courts were to do so, it would leave open a path of incentives for claims based on fraud to survive legal gambits and the creativity of the disingenuous.”

18. In view of above, we do not find any fault in the action of the Respondent-State and the order of the Tribunal confirming the same. The Writ Petitions are dismissed. In view of disposal of the Writ Petitions, the Interim Application does not survive and is accordingly disposed of. No costs.

19. The operation of the present judgment is stayed for a period of four weeks from the date of uploading of this judgment.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR, J.]