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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: October 01, 2012

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W.P.(C) 5375/2012

ROSHAN LAL

..... Petitioner

Represented by: Mr.Anil Singal, Advocate.

versus

UOI & ANR.

..... Respondents

Represented by: Mr.Saqib, Advocate and
Mr.N.K.Raghupathy, Chairman,
Staff Selection Commission.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE MANMOHAN SINGH

PRADEEP NANDRAJOG, J. (Oral)

1. The OMR answer-sheet of the petitioner has been produced. The question paper has also been produced. Instruction No.7 in the question paper clearly highlights:-

“A machine will read the coded information in the OMR Answer-Sheet. In case the information is incomplete/different from the information given in the application form, the candidature of such candidates will be treated as cancelled.”

2. In the OMR answer-sheet, the petitioner has not coded the ‘TEST FORM NO.’

3. Learned counsel for the petitioner states that the OMR answer-sheet

contains the following:-

“Note: Invigilator to sign after verifying whether all particulars have been filled in by the candidates properly.”

4. It is urged that it may be true that the petitioner was negligent in not shading the relevant figures and letters in the answer-sheet pertaining to the TEST FORM NUMBER, but since the invigilator was also negligent in not ensuring that all particulars have been filled by the candidate i.e. the petitioner, relief must be granted to the petitioner by directing that the OMR answer-sheet be subjected to the optical reading on the computer after shading the relevant figures and letters.

5. Now, lakhs sit at competitive examination and the only way is to use technology. The multiple choice questions have to be answered by shading the relevant option in the OMR answer-sheet, which is then scanned, and with reference to the software and information stored, marking is done by the computer. Needless to state, the computer would only read such OMR answer-sheets where relevant information pertaining to the TEST FORM NUMBER is available after shading.

6. We need to speak a little more on the subject.

7. The same set of 200 questions, obviously having only one correct answer out of the four options, if having only one set of question paper may have the problem, in today's world of technology, of being scanned by a pocket device scanner and through the medium of a cell phone or a likewise device, transmitted electronically and the correct answers sent to different candidates. To prevent this, the sequence of the questions is altered and in this manner four to eight sets of identical question papers i.e. having the same questions, but not in the same sequence are prepared. The computer, after the scanned answer-sheets are fed as the data, with reference

to the TEST FORM NUMBER identifies, whether the questions have been rightly answered. If the TEST FORM NUMBER is not shaded, the answer sheet would obviously be not read.

8. To explain it to a layman, if after optical reading, a computer has to identify, say a cat or a rat, the best drawn cat or the rat, but minus the tail, would not be read/identified by the computer.

9. Coming to the argument advanced, the answer-sheet in question has a Part 'A' and a Part 'B'. Part 'A' has to be filled in with a ball pen and the Note in question on which petitioner relies forms part of Part 'A'. Thus, the duty of the invigilator is to ensure that Part 'A' of the answer sheet has been properly filled up by the candidate and not Part 'B' where the shading has to be done and the questions answered. It has to be so, for the reason, in Part 'A' the roll number and the ticket number have to be filled in by the candidate and with reference to the same i.e. the numbers filled in and the original ticket issued to the candidate, which contains not only the roll number but even the photograph and the specimen signatures, the task of the invigilator is to pen her signatures and the Note in question requires the invigilator to so do after verifying that the said particulars i.e. pertaining to Part 'A' have been correctly filled in by the candidate. Thereafter it is the candidate and her God alone.

10. The writ petition is dismissed.

11. No costs.

(PRADEEP NANDRAJOG)
JUDGE

(MANMOHAN SINGH)
JUDGE

OCTOBER 01, 2012 //dk//