

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.10361 of 2016

Date of Decision: 16.12.2016

Simmi Dhingra

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ravinder Sharma, Advocate for the petitioner.

Mr. Avinit Avasthi, A.A.G. Punjab.

Daya Chaudyary, J. (Oral)

This petition has been filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to declare the result of the petitioner in Paper-I i.e. Aptitude Test conducted for the post of Economics Lecturer.

While issuing notice of motion on 24.05.2016, the following contention of petitioner was recorded:-

“Inter alia submits that the petitioner had given the aptitude test and was supplied question paper bearing Series C, carrying Sr.No.169035 (Annexure P2). However, while filling up the OMR answer-sheet (Annexure P3), mention of Series C was not ticked, though the booklet number was mentioned. Resultantly, the petitioner's result has not been declared and her score has been shown as '0'. Reference is further made to Clause 11 (page 18 of the paperbook) that the series alphabet had not to be filled up. It is submitted that

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a representation dated 16.03.2016 (Annexure P6) has also been made, but of no avail.”

In response to the notice of motion, reply has been filed in the Court and the same is taken on record. The stand of the respondents in the reply is as under:-

2. *That in this regard it is submitted that the Department of School Education vide advertisement dated 20.11.2015 invited online submission of applications for recruitment to 130 posts of Economics Lecturers. The petitioner applied in Orthopaedic handicap category. One of the condition for selection of these posts was that candidates have to appear in written tests for Aptitude (Paper-I) and concerned subject (Paper-II) having maximum 150 marks each.*

3. *That the Aptitude test and concerned subject test (Economics) was conducted on 14.02.2016 and 15.02.2016 respectively. It is pertinent to mention here that the tests for the abovementioned posts were conducted by Guru Nanak Dev University, Amritsar. That as per averments made by the petitioner, the petitioner did not fill column 8 of the OMR answer sheet regarding the question booklet series (A, B, C, D) for the Paper-I Aptitude Test. Hence she was awarded zero marks by the examining agency, meaning thereby she was a failed candidate. It is hereby submitted that it is for the candidates to fill up all the necessary columns, if such contentions of the petitioners are allowed and the mistake is rectified at later stage, then it will be prejudice the other genuine candidates who had filled all the necessary columns and the whole recruitment process will be a futile exercise.*

4. *That after hearing on 27.05.2016, the Hon'ble High Court passed the following order:-*

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Reliance has been placed upon order passed in CWP No.6198 of 2016 'Sarabjit Singh Vs. State of Punjab and others' decided on 09.05.2016, whereby directions were issued to declare the result, after scrutinizing the OMR Sheet. Counsel for the State is directed to get original OMR Sheet for examination to scrutinize the result. “

On perusal of para 5 of written statement, it is clear that petitioner has secured 93 marks in Aptitude test (Paper-I) and 76 marks in concerned subject test (Paper-II) and total marks of the petitioner are 169. There were two more candidates who have secured 196 and 183 marks and the petitioner is lower in merit than the last selected candidate in her category.

Keeping in view the prayer and the stand taken in the written statement, nothing survives in the present petition as the result has been declared. However, learned counsel for the petitioner states that in the result, '0' marks were mentioned and his OMR sheet was not considered as valid.

Keeping in view the prayer and the stand taken in the writ petition, the present writ petition has become infructuous. However, considering the marks mentioned in the written statement it cannot be said that OMR sheet of the petitioner is invalid.

[DAYA CHAUDHARY]
JUDGE

16.12.2016
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Whether Speaking/reasoned : Yes
Whether Reportable : No