

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

CWP No.19130 of 2016 (O&M)

Date of decision : 15.09.2016

Rajesh Kumar

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. B.R. Mahajan, Advocate General, Haryana with
Mr. Ravi Pratap Singh, AAG, Haryana
for respondent No.2-Haryana Staff Selection Commission.

...

TEJINDER SINGH DHINDSA, J.

Petitioner is aggrieved of the action of the respondent-Haryana Staff Selection Commission in not having declared him successful in the written examination conducted for the post of TGT (English) and against the General Category.

Brief facts that may be noticed are that an advertisement dated 23.07.2015 was issued by the Commission inviting applications for recruitment of 694 posts of TGT (English). Petitioner stating himself to be eligible applied for the post of TGT (English) in the General Category. The written examination was conducted on 07.02.2016. Such written examination was in the nature of an objective type test in which OMR sheets were to be given to the prospective candidate and against each question there were four options and out of which the candidate was to opt for any one.

It is submitted on behalf of the petitioner that the question

paper and one copy of the OMR sheet was permitted to be retained by the candidate after conduct of the examination. That apart, even the answer key in relation to the question paper/OMR sheet was also supplied.

Counsel would submit that as per calculations done by the petitioner by co-relating his response in the OMR sheet with the answer key, he would have secured 120 marks. In the result that has been declared on 03.09.2016, the last candidate called for the interview against the General Category has secured only 108 marks and as such, there would be no justifiable basis to deny to the petitioner participation in the selection process i.e. for the interview.

Learned State counsel was called upon to produce the original OMR sheet of the petitioner and hearing in the petition was deferred to the post lunch session.

Upon resumed hearing, the original OMR sheet of the petitioner has been produced for perusal of this Court in a sealed cover. The sealed cover was opened and the OMR sheet of the petitioner has been perused. For the sake of satisfaction, the original OMR sheet of the petitioner has even been shown to Mr. Jasbir Mor, learned counsel for the petitioner.

To the naked eye itself, it becomes apparent that in relation to questions No.20 and 27, the petitioner had chosen to darken two options for each of such questions and thereafter has erased one option each. It is clear on the face of it that in relation to questions No.20 and 27, the petitioner has either used a blade or the nail to erase the response.

Identical issue as regards rejection of candidature of a candidate on account of having scratched out/having erased response on the

OMR sheet came up before this Court in **CWP No.18993 of 2016** titled as ***Sunita Kumari Versus State of Haryana and another*** and vide detailed order carrying even date i.e. 15.09.2016, the petition was dismissed and the action of the Commission was upheld.

The instant petition is also dismissed in the light of order dated 15.09.2016 passed by this Court in **CWP No.18993 of 2016** titled as ***Sunita Kumari Versus State of Haryana and another***.

The original OMR sheet be resealed and be handed back to learned counsel for the respondent-Commission.

15.09.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |