

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP No.18998 of 2016  
Date of Decision:-03.04.2017.

Deepak

.....Petitioner

Versus

Haryana Staff Selection Commission

.....Respondent

(2.)

CWP No.23574 of 2016

Balwan Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(3.)

CWP No.23670 of 2016

Rekha Rani

.....Petitioner

Versus

Haryana Staff Selection Commission

.....Respondent

(4.)

CWP No.1639 of 2017

Renu Rani

.....Petitioner

Versus

Haryana Staff Selection Commission

.....Respondent

(5.)

CWP No.24947 of 2016

Poonam Sharma

.....Petitioner

Versus

Haryana Staff Selection Commission

.....Respondent

(6.)

CWP No.4290 of 2017

Anuj

.....Petitioner

Versus

Haryana Staff Selection Commission

.....Respondent

**CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

\*\*\*\*

Present: Mr. Anurag Goyal, Advocate for the petitioner in CWP No.18998 of 2016.  
Mr. Alka Chatrath, Advocate for the petitioners in CWP No.23574 of 2016.  
Mr. Jagbir Malik, Advocate for the petitioner in CWP No.23670 of 2016.  
Mr. Raj Kapoor Malik, Advocate for the petitioner in CWP No.1639 of 2017 and CWP No.24947 of 2016.  
Mr. Suresh Ahlawat, Advocate for the petitioner in CWP No.4290 of 2017.

Mr. D.S. Nalwa, Additional A.G. Haryana,  
Mr. Apoorv Garg, DAG, Haryana and  
Mr. Karan Sharma, AAG, Haryana.

\*\*\*\*

**P.B. BAJANTHRI, J. (Oral)**

By this common order, the above writ petitions shall be disposed of as the issue involved in all these writ petitions are identical.

Facts are being taken from CWP No.18998 of 2016.

In CWP No.18998 of 2016, matter relates to the post of TGT (English). In CWP No.23574 of 2016, matter relates to the post of PGT (Mathematics). In CWP No.23670 of 2016, matter relates to the post of PGT (Punjabi). In CWP No.1639 of 2017, matter relates to the post of PGT

(English). In CWP No.24947 of 2016, matter relates to the post of PGT (Mathematics). In CWP No.4290 of 2017, matter relates to the post of PGT (Physics).

In the instant writ petition, the petitioner has questioned the action of the respondents in not evaluating the OMR Answer Sheet of the petitioner. Further petitioner has questioned instruction No.6 in the main instructions for the candidates (Annexure P-5) dated 29.1.2016 and condition No.2 in the OMR Answer Sheet (Annexure P-7) being highly arbitrary, stigmatic and unjustified.

The official respondents have advertised the post of TGT English on 23.7.2015. The petitioner is a candidate for the recruitment to the post of TGT English. He was permitted to participate in the process of recruitment by issuing admit card and also to write the written examination and result was announced in which the petitioner's roll number has been included under EBPB category (69 posts). Undisputedly the petitioner's OMR sheet has not been evaluated with reference to the instructions to the candidates mentioned in OMR answersheet Annexure P-7 which reads as under:- Instruction Nos.6 and 7 read as under:-

*“6. If you darken more than one circle in your answer, your answer will be treated as wrong. While darkening the appropriate bubble(s) in the boxes darken the chosen bubble(s) fully as given below.*

*7. Candidates have to answer questions from the multiple choice of answer A, B, C or D. Select the right answer of each question and darken the correct bubble on the answer sheet. Once darkened changes are not permitted. Use of Eraser, Nail, Blade, White*

*Fluid/Whitener etc. to smudge, scratch, damage in any manner on the OMR Sheet during Examination strictly prohibited & its use anywhere shall lead to cancellation & such OMR Sheet shall not be evaluated”*

Learned counsel for the petitioner further pointed out from the admit card (Annexure P-5) condition No.13 which reads as under:-

*“13. Each question has four alternative answer of which only one is correct. For each question, darken only one circle, whichever you think is the correct answer on the OMR answer sheet with only Blue/Black Ball Pen provided by the commission. Pencil should not be used for darkening the circle. If more than one circle found darkened, that answer will not be evaluated.”*

Learned counsel for the petitioners submitted that in the admit card it is stated that if more than one circle found darkened that answer will not be evaluated. On the contrary, in the OMR Answer Sheet instructions reads that once darkened changes are not permitted. Such OMR sheets shall not be evaluated. Thus, there is a contradictory instructions to the candidates. Therefore, in not evaluating the petitioner's OMR Answer Sheets merely because the petitioner has darkened two circles for question No.73 in not considering the petitioner's candidature is highly arbitrary and illegal.

Per contra, learned counsel for the respondents vehemently contended that candidates have been given instructions from time to time at the time of issuance of admit card so also while issuing OMR Answer Sheets. The petitioner has darkened a circle A and erased D to question

Sheet, rightly the selecting authority have taken a decision not to evaluate the petitioner's OMR sheet with reference to condition No.7. Thus, the petitioner has not made out a case so as to interfere with the condition as well as rejection of the petitioner's claim for candidature for the post of TGT English. Official respondents were present with original OMR sheet to demonstrate that petitioner has erased answer.

Heard learned counsel for the parties.

Short question for consideration in the matter is whether the petitioner's OMR answersheet is required to be evaluated or not. Admittedly, the admission card for the purpose of written examination to the post of TGT (English) was issued in which the candidates have been given certain instructions in particularly condition No.13 which reads as under:-

*“13. Each question has four alternative answer of which only one is correct. For each question, darken only one circle, whichever you think is the correct answer on the OMR answer sheet with only Blue/Black Ball Pen provided by the commission. Pencil should not be used for darkening the circle. If more than one circle found darkened, that answer will not be evaluated.”*

Instruction No.7 to the OMR answersheet reads as under:-

*7. Candidates have to answer questions from the multiple choice of answer A, B, C or D. Select the right answer of each question and darken the correct bubble on the answer sheet. Once darkened changes are not permitted. Use of Eraser, Nail, Blade, White Fluid/Whitener etc. to smudge, scratch, damage in any manner on the OMR Sheet during Examination*

*strictly prohibited & its use anywhere shall lead to cancellation & such OMR Sheet shall not be evaluated”*

Perusal of the above instructions are contrary to one and another having regard to the contention that the petitioner has darkened two circles of question No.73 to A and D that does not mean that the entire OMR Answer Sheet is required to be rejected at threshold since the instructions at the time of issuance of admit card so also OMR Answer Sheets are totally contradictory. Moreover if an error committed while answering question, selecting authority need not cancel the entire OMR sheet in not evaluating the same on the ground that the evaluation is being done in the computer and in the computer, the scheme of evaluation has been set in that manner. The official respondents placed on record sealed OMR sheet of each of the petitioner to point out that it is not darkening of two answers and it is eraser. The same was shown to each of the counsel. From the naked eye it is evident that it is not darkening of circle it is erasing. Therefore, in terms of the instructions given to the candidates with reference to admit cards as well as OMR instructions, petitioners have not made out a case so as to interfere with the rejection of their candidature to the extent of not evaluating OMR Answer Sheets.

With the above observations, petitions stand disposed of.

**(P.B. BAJANTHRI)**  
**JUDGE**

**April 03, 2017.**  
*sandeep sethi*

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.