

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

260

CWP No.23852 of 2017

Date of decision: 07.12.2017

Partibha

....Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Vishal Nehra , Advocate, for the petitioner.

Mr.Harish Rathee, Sr.DAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

The grouse of the petitioner is that the result has not been declared and she has been declared ineligible and that her marks are much higher than the cut-off.

On the last date of hearing, i.e., on 30.10.2107, the result was produced and the following order was passed:

“Record has been produced by way of original answer sheet, which would go on to show that regarding question no.85, the petitioner had used a whitener on option no. 'a' and thereafter opted to darken option no. 'b'.

Counsel for the petitioner prays for time to argue on this aspect.

Adjourned to 13.11.2017.

In the meantime, reply be filed.”

In view of Clause 2 of the OMR-sheet, which provides that if any white fluid is put on the OMR answer-sheet, the candidature is liable to be rejected. There is no ground to interfere in the present writ petition, since the original OMR-sheet of the petitioner shows that whitener had been used. The said clause, which has been accepted by the petitioner, reads as under:

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

CWP No.23852 of 2017

-2-

“2. I do hereby declare that I have filled in my Name and Roll no. as it appears on the admit card. I fully understand and agree that in case I darken the wrong circles or fill incorrect Roll No. or use Whitener/Eraser/White Fluid etc. on OMR Answer Sheet my candidature will be liable to be rejected.

Signature of the Candidate within the box”

Reliance can be placed upon the judgment of this Court in CWP-22918-2016 titled *Anshu & others Vs. State of Haryana & another*, passed on 21.12.2016, on this legal aspect and accordingly, the petitioner cannot, now, contend otherwise.

Accordingly, in view of the above, the present writ petition stands dismissed.

07.12.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*