

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

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CWP No.24006 of 2017

Date of decision: 07.12.2017

Gagan & others

....Petitioners

Versus

Haryana Staff Selection Commission

...Respondent

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

Present: None for the petitioners.

Mr.Harish Rathee, Sr.DAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

The grouse of the petitioners is that the result have not been declared and they have been declared ineligible and that their 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:

“Counsel for the State has produced the original OMR sheet in the case of petitioner no.2, who has applied whitener on option no.'b' for answer no.72 and thereafter opted to darken option no.'d', on account of which he has not been called for interview. Similarly, marks of the other petitioners have been produced by way of table, photocopy of which is taken on record. Petitioner no.1 has scored only 120 marks and, therefore, failed to make the cut against 148 marks. Petitioners no.3 to 5 are dependent ex-servicemen and ex-servicemen have been appointed and, therefore, they have not been called. Petitioner no.6 has got 132 marks and the cut off is 152 and, therefore, he has also failed to make the grade.

Faced with this situation, counsel for the petitioners prays for time to verify.

Adjourned to 13.11.2017.

In the meantime, reply be filed.”

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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 petitioners shows that whitener had been used. The said clause, which has been accepted by the petitioner, reads as under:

“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 petitioners 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