

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 26745 of 2017
Date of Decision: 18.12.2017

Ravinder

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

2.

CWP No. 22826 of 2017

Sushil Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

3.

CWP No. 23222 of 2017

Jony and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

4.

CWP No. 6453 of 2017

Sheesh Pal Sandhyan

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

5.

CWP No. 9031 of 2017

Vishwajeet

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

6.

CWP No. 10523 of 2017

Dilbag Singh

.....Petitioner

Vs.

Haryana Staff Selection Commission

.....Respondent

7.

CWP No. 27773 of 2017

Ramesh Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

8.

CWP No. 27824 of 2017

Promila

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

9.

CWP No. 28401 of 2017

Manisha Lohan and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

10.

CWP No. 28409 of 2017

Neelam Devi and another

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

11.

CWP No. 26917 of 2017

Ravinder

.....Petitioner

Vs.

Haryana Staff Selection Commission and another

.....Respondents`

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Karamveer Singh Banyana, Advocate,
for the petitioner (in CWP No. 10523 of 2017).

Mr. Mohinder Singh, Advocate,
for the petitioner (s) (in CWP Nos. 9031 and 6453 of 2017).

Mr. Yogesh Goel, Advocate,
for the petitioner (s) (in CWP Nos. 22826, 26745, 23222, 27773,
27824, 28401 and 28409 of 2017).

Mr. Vivek Khatri, Advocate,
for the petitioner (in CWP No. 26917 of 2017).

Mr. Baldev Raj Mahajan, Advocate General, with
Mr. Hitesh Pandit, Addl. A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

In all these 11 petitions, the issue essentially is as to whether the respondent Commission should ignore only the answers that have been erased / altered etc. by candidates in the OMR answer sheets given to them for the purpose of the written examinations conducted by the Commission (for selection to various posts in the State), instead of rejecting the entire answer sheet itself for even any single erasure / alteration etc.

As already recorded in the two orders dated 15.12.2017, an expert on the issue had been brought by the Commission itself before this court, who had opined that as a matter of fact, the computer scanner does not reject the entire

been made.

The stand of the Commission, however, still had been made that the rejection of the entire answer sheet is actually a method to prevent any kind of tampering in the sheet, and to maintain transparency in the selection process.

While not doubting the intention of the Commission, this Court was still not convinced of that reasoning, for the reason given in the second order passed on 15.12.2017.

Consequently, the Chairman of the Commission had been requested to come present in Court today, vide that order itself.

Pursuant to the said order, the Chairman of the Haryana Staff Selection Commission is present and has also produced in Court, in a sealed cover, what was directed to be produced vide the aforesaid order.

The envelope is directed to be resealed with the stamp of the Registrar General and kept with the record of this case, with adequate stamping to ensure that there cannot be any tampering with what has been submitted to this Court, in terms of the aforesaid order.

On the merits of what has been noticed in the aforesaid order, Mr. Baldev Raj Mahajan, learned Advocate General, Haryana, submits that though the Commission is very much willing to look at its options for the future, in terms of what has been noticed by this Court, upon the opinion given by the expert brought to Court by the Commission itself on the last date of hearing, however, to implement any change as regards current selection processes, it would not be possible, in view of the fact that too many examinations have taken place in various selection processes, under the same set of instructions, in some of which results have already been announced, whereas in others they are about to be announced. Therefore, to reopen so many selection processes, is not feasible.

The learned Advocate General further submits that with instructions clearly given on admission cards, question papers and on the OMR answer sheet itself, to the effect that the candidates would not make any alterations/erasures on the answer sheet, the candidates were required to be more careful in adhering to such written instructions.

That being so, and as already noticed earlier, the instructions themselves having been upheld by a Division Bench of this Court, these petitions therefore cannot be entertained, as regards the change of instructions for the ongoing selection processes, or for those that have concluded.

Learned counsel for the petitioners in these petitions also submit that once the Commission has started checking the answer sheets manually where there is a discrepancy of roll numbers, it amounts to discrimination in rejecting those answer sheets in which there is an alteration/erasure in the answers themselves.

Whereas the rationale of that argument is not lost on the Court, however, the fact is that the answer sheets in which there is an erasure in roll numbers would be much fewer, when compared with those in which there is an erasure/alteration in the answers to the questions themselves. Therefore, if a direction were to be given to manually check those answer sheets too, obviously it would increase the burden on the Commission manifold. In any case, that issue having been decided by a Division Bench, as repeated many times in the orders passed in these petitions earlier, this Bench is obviously bound by that decision.

Consequently, as regards the issue of considering the candidature of the petitioners where answers have been either erased or altered, these petitions are dismissed.

As regards the issue of wherever there are erasures in the roll numbers in any of these cases, the petitioners would be at liberty to file a representation to

the Secretary of the Commission, who would thereafter take a decision at the earliest, and as very fairly stated by the learned Advocate General, the decision would be taken prior to the announcement of the results in question.

However, for future selection processes, the Commission is directed to go into the opinion given by the expert produced by it before this Court, and see as to why simply the answers that have been altered in the OMR sheet, or have been erased or where double answers have been given etc., should not be the questions which should be ignored, instead of rejecting the entire answer sheet itself. The said issue would be looked at by the Commission even in respect of those selection processes as have been initiated, but where the written examination is still to be held.

December 18, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No.