

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

266

CWP No.27010 of 2017

Date of decision: 06.12.2017

Mukesh Kumar

....Petitioner

Versus

State of Haryana & another

...Respondents

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

Present: Mr.Vijay Kumar, Advocate, for the petitioner.

Mr.Harish Rathee, Sr.DAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

The petitioner had sat in the written test for the post of Heavy Vehicle Driver, against advertisement dated 18.05.2017 (Annexure P-1). He has approached this Court on account of the fact that he has not been called for scrutiny of documents and the driving proficiency test, on the ground that there was overwriting and cutting on one or two questions and the candidates having lessor marks were called for interview. The original record was produced in Court, which go on to show that there has been cutting and putting whitener on the OMR answer-sheets.

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:

“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”

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CWP No.27010 of 2017

-2-

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.

06.12.2017
Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*