

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.424 of 2017 (O&M)

Date of Decision: 28.03.2017

Jony & Ors.

... Appellants

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr. JS Saneta, Advocate for the appellants

Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The appellants have been disqualified by the Haryana Staff Selection Commission and consequently, the result of their written examination has not been declared on the ground that they have used eraser and/or white fluid on the OMR answer-sheet. Their candidature has been rejected for the reason that there were written instructions to the effect that in the event of use of Whitener/Eraser/White Fluid on the OMR answer-sheet, the candidature will be liable to be rejected/cancelled.

(2) Learned Single Judge has also dismissed the appellant's writ petition relying upon the condition printed on the OMR answer-sheet.

(3) We summoned the original OMR answer-sheets and have perused the same. The allegations made against the appellants are factually correct. The OMR answer-sheets be re-sealed and returned to learned State counsel.

(4) Faced with this, learned counsel submits that they have made representation to the Staff Selection Commission for sympathetic re-consideration of the matter so that after awarding zero marks for the question for which eraser or white fluid was used, rest of the OMR answer-sheets can be

(5) We have no reason to doubt that the Staff Selection Commission, regardless of the fact that learned Single Judge has dismissed the writ petition, shall sympathetically re-consider the appellant's claim. It shall be appreciated if an appropriate decision is taken before finalizing the selection process.

(6) Disposed of accordingly.

(Surya Kant)
Judge

28.03.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No