

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

LPA No.92 of 2017 (O&M)

Date of Decision : 20.01.2017

Anshu and others

....Appellants

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present: Mr. Rajbir Sehrawat, Advocate
for the appellants.

....

MAHESH GROVER, J. (Oral)

The appellants question the judgment of the learned
Single Judge dated 21.12.2016.

The appellants, who were aspirants to the post of PGT
(Mathematics), took the examination held on 06.03.2016. They
approached the writ court with a prayer that they had secured
more marks than the cut off marks prescribed but had suffered on
account of the instructions issued by the respondents, in
particular instruction nos. 8 and 9 providing that the OMR sheet
is not to be erased, scratched or smudged in any manner. A prayer
was also made that these two clauses in the instructions were
contrary to instructions nos. 14 and 19 which further provide that
on account of two options given the answer would not be

evaluated and treated as wrong. On the strength of instruction Nos. 14 and 19 it is argued that at best in the case of smudging also the answer should be treated as incorrect.

We may extract Clause 6 of the admit card and the warning given in the question paper at Sr. Nos.8 and 9 herebelow :-

“6. Candidates are warned not to fold or make any stray marks on the OMR Answer Sheet. Use of Eraser, nail, blade, white fluid/whitener etc. to smudge, scratch or damage in any manner on the OMR sheet during examination is strictly prohibited. Candidature/OMR sheet of candidates using eraser, blade, nail or white fluids/whitener to smudge, scratch or damage in any manner the answer sheets shall be cancelled.”

“8. Candidates are warned not to fold or make any stray marks on the OMR Answer Sheet. Use of Eraser, Nail, Blade, White Fluid/Whitener etc. to smudge scratch or damage in any manner on the OMR Sheet during Examination is strictly prohibited. Candidature/OMR Sheet of candidates using Eraser, Blade, Nail or White Fluids/Whitener to smudge, scratch or damage in any manner the Answer Sheet

shall be cancelled.

9. Candidates are warned not to carry any mobile phone, any type of watch, belt, wear ornaments like ring, chain, earring etc. electronic or communication device, Pen, Pencil, Eraser, sharpener and correcting Fluid in the examination centre. If any candidate is found possessing any such item, he/she will not be allowed to enter in the examination centre. Candidate found possessing mobile phone and any other aiding material as mentioned above in the examination room will be treated a serious violation and it will amount to cancellation of the candidature and debarring him/her from future examination. Use of Eraser, nail, blade, white fluid/whitener etc. smudging, scratching or damaging in any manner the OMR answer sheet shall lead to cancellation of candidature and such OMR answer sheet shall not be evaluated.”

Similarly, instruction Nos.14 and 19, which are relevant, read as under :-

“14. Each question has four alternative answer of which only one is correct. For each question, darken only one circle, which ever you think is correct answer on the OMR answer sheet with only Blue/Black Ball

Pen provided by the Commission. Pencil should not be used for darkening the circle. If more than one circle is found darkened, that answer will not be evaluated.

19. While darkening the appropriate bubble(s) in the boxes darken the chosen bubble(s) fully as given below. If you darken more than one circle, your answer will be treated as wrong and such answer shall not be evaluated.”

Further, Clause 7 of the instructions of OMR Answer Sheet is also relevant for our purpose which is reproduced as under :-

“7. Candidates have to answer questions from the multiple-choice of answer ABC or D. Select the right answer of each question and darken the correct bubble on the OMR Answer Sheet. Once darkened changes are not permitted. Use of Eraser, Nail, Blade, While Fluid/Whitener etc. to smudge, scratch, damage in any manner on the OMR Answer Sheet during Examination is strictly prohibited & it's use anywhere shall lead to cancellation & such OMR Answer Sheet shall not be evaluated.”

It is evident that the specific guidelines were provided

to the candidates to adopt the manner in which answers were to be marked and similarly they were cautioned not to use fluid or scratch the OMR sheet, but in complete violation of the instructions the answer books were found to be smudged with double marking and even erasing fluid was used as also tampering with the nail/blade.

Having done so the appellants cannot claim any prejudice if strict action has been taken by cancellation of their OMR sheets altogether. Such guidelines are issued as OMR sheets have to be evaluated by a computer which may not respond appropriately in view of abrasions and tampering. The learned Single Judge has rightly discarded the plea of the appellants in the impugned order and we, finding no infirmity therein, would also decline interference, particularly when it is expected of the candidates to be conscious of the guidelines and instructions issued by the examiner in the selection process which has to be thoroughly respected.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

20.01.2017
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No