

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

**RA No.272 of 2017 and
CWP No.26047 of 2016
Date of Decision: 24.05.2017**

Nancy

....Petitioner

Vs.

Union of India and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Jimmy Singla, Advocate,
for the petitioner.

Mr.Aseem Aggarwal, Advocate and
Mr.Vinod Sharma, Advocate,
for respondent No.1.

Ms.Nimrata Shergill, Advocate,
for the applicant/respondent No.2.

Mr.Salil Sablok, Advocate,
for respondent No.3.

RAKESH KUMAR JAIN, J. (ORAL)

RA No.272 of 2017

I have heard learned counsel for the applicant and from the averments made in para 3(a) of the application, found that the applicant/respondent No.2 was duly informed by the counsel, who had been appearing for them, may be as a counsel for UOI. Even if, Mr.Vinod Sharma, Advocate was not the panel counsel of the applicant/respondent No.2, it was incumbent upon the applicant/respondent No.2 to find out the pendency of the present

petition and to depute their own counsel for defending their case but the applicant/respondent No.2 woke up from slumber only when the cost has been imposed and now they have filed the application seeking waiver of the costs.

After hearing learned counsel for the applicant/respondent No.2 and Mr.Vinod Sharma, Advocate, I am of the considered opinion that there is no merit in the present application and as such the same is hereby dismissed.

CWP No.26047 of 2016

This petition is filed for quashing the result, declared by respondent No.2 dated 7.10.2016 and marksheet dated 25.10.2016.

In brief, respondent No.2 issued the notification to hold Joint CSIR-UGC Test for Junior Research Fellowship and Eligibility for Lectureship tentatively on 19.6.2016 for determining the eligibility of the Indian National candidates for the award of Junior Research Fellowships (JRF) NET and for determining eligibility for appointment of Lecturers (NET). The petitioner was allocated roll number 404486 for the aforesaid examination. The examination was conducted on 19.6.2016. The question paper of mathematical science was of total 120 questions and as per the scheme of the question paper, it was divided in three parts, namely, Part-A, Part-B and Part-C. Part-A consisted of 1 to 20 questions, Part-B consisted of 21-60 questions and Part-C consisted of 61 to 120 questions. The petitioner secured 97.50 marks whereas the last cut off was 98.78 marks. It is submitted by the petitioner that she was not given marks

for question No.31 though she had rightly attempted the question. The petitioner made an enquiry through RTI as well as email to the respondent, who had ultimately informed that question No.31 of Part-B is treated as invalid because of incorrect method of marking the bubble. The petitioner has thus, approached this Court by way of this petition in which after the notice was issued, the respondents have put in appearance and it is alleged in the reply filed on behalf of respondent No.2 that question No.31 was declared invalid only because of the reason that there was a slight marking on answer No.1 though the correct answer was answer No.2. It is also submitted that the OMR Sheet is not manually checked rather it is checked through computer and therefore, the computer did not pick the answer given by the petitioner to question No.31.

I have heard both the learned counsel for the parties and after examining the available record including the OMR, which is placed on record by the contesting respondent, am of the considered opinion that the petitioner deserves the marks for attempting question No.31 as well. As a matter of fact, the petitioner has not attempted question No.31 twice rather it appears that due to inadvertence a slight marking is there in the bubble in answer No.1 because of which the computer did not pick the answer of the petitioner of question No.31, which is otherwise correct. In these facts and circumstances, the benefit of doubt has to be given to the petitioner and accordingly, the marks of answer of question No.31, which is rightly given by the

petitioner, has to be awarded to her. Thus, it is ordered that the marks of question No.31 be awarded to the petitioner.

In view of the aforesaid observations, the present petition is hereby allowed.

24.05.2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*