

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

**CWP No.11205 of 2017
Date of decision: 06.08.2018**

Ravinder

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. K.K. Chahal, Advocate,
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Ritu Bahri, J.

This petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of certiorari quashing the action of respondent No.2, whereby OMR answer sheets of the petitioner (of screening test for the post of PGT English) code **B**, had been considered as defective.

Petitioner had participated in the written test for the post of Post Graduate Teacher (PGT) English, however, in the result dated 19.01.2017 (Annexure P-7), roll number of the petitioner was not reflected. His candidature has been rejected on the ground that in two of the columns of her respective OMR sheet i.e. Column No.22 and 51 have marked/grayed two options i.e. (b) & (d) and (c) & (d) which were not permissible.

Upon notice, short reply dated 10.03.2018 on behalf of respondent No.2-Commission has been filed, wherein it has been stated that Haryana Staff Selection Commission had advertised 6874 posts of PGT-HES-II

(Group-B Services), wherein 649 posts of PGT English against category No.5 were published on 28.06.2015. However, in the written test, petitioner-Ravinder having Roll No.28504652, had scratched/smudged the answer to question Nos.22 & 51 on OMR sheet, which were in violation of instructions which were printed on the question papers itself. Relevant instruction Nos.8 and 9 are reproduced as under:-

“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 Erase, 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.”

The candidates were instructed to open the sealed envelope containing the question papers and OMR sheet approximately 05 minutes before the examination. In this regard, they were further required to give undertaking under their signatures. The objective of these instructions was to get the evaluation done automatically through computerized mechanism without involving human factor and such smudged OMR sheets had to be discarded and then not evaluated.

In a similarly situated case pertaining to same advertisement and

post i.e. Advertisement No.4/2015 and post of PGT has been decided by a Division Bench of this Court on 20.01.2017, titled as **Anshu and others vs. State of Haryana and another**, LPA No.92 of 2017 (Annexure R-1), whereby instructions printed on the answer sheets have been upheld and final OMR sheets, which were carrying smudged answers were held to be rightly discarded. Even SLP No.12169 of 2017 against this judgment has been dismissed by Hon'ble the Supreme Court on 27.03.2017 (Annexure R-2/2).

After hearing learned counsel for the parties and going through the judgment passed by Division Bench of this Court in LPA No.92 of 2017 (Annexure R-1), which has been upheld by Hon'ble the Supreme Court vide Annexure R-2/2, this Court is of the view that case of the petitioner has been rightly rejected by the respondents.

No merits.

Dismissed.

06.08.2018
ajp

(RITU BAHRI)
JUDGE

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