

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 01.03.2018****CWP No.23850 of 2017 (O&M)**

Sonu

...Petitioner

Vs.

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Harish Mehla, Advocate,
for the petitioner.Ms. Shruti Jain Goyal, AAG, Haryana,
for the respondents.Mr. Girish Agnihotri, Senior Advocate, with
Mr. Vijay Pal, Advocate, for the applicants
in CM No.2724-25 of 2018.**RAJIV NARAIN RAINA, J. (ORAL)**

The dispute has arisen in this case regarding the authenticity of the OMR sheet of the petitioner, who participated in the written examination conducted by the Haryana Staff Selection Commission for the post of Clerk pursuant to Advertisement No.10/2015.

Heard Mr. Harish Mehla on behalf of the petitioner and Ms. Shruti Jain Goyal, AAG, Haryana representing the State of Haryana at some length and perused the original OMR sheets and attendance sheets with their assistance.

Affidavit of Sh. Mahavir Kaushik, Secretary, HSSC filed in Court is taken on record. In the affidavit, it is stated that each OMR sheet consists of three copies (triplicate), which are carbonless carbon paper. 1st copy is original, which is pink in colour; 2nd copy is for Commission, which is orange in colour; and the 3rd copy is for candidate, which is green in colour. The serial number of the question booklet and the code on the OMR sheets are similar to avoid any kind of cheating or malpractice during the course of examination. In case, the details, such as, roll number, name and booklet series code are wrongly filled by the candidate or mismatch, then by matching the code on the original copy of the OMR with that mentioned in the attendance sheet, the actual details of the candidate can be verified.

A perusal of the original OMR sheet i.e. 1st & 2nd copy produced by the learned Law Officer reveals that roll number of the petitioner, as mentioned in the writ petition, is identical. She informs the Court that petitioner's 1st copy was evaluated by the Commission. Since the petitioner secured less marks than the last shortlisted candidate, he was not called for interview by the Commission.

On the other hand, the petitioner's contention is that his OMR sheet has been substituted or tampered with.

The issue being; as to whether the OMR sheet on the petitioner answered has been substituted or not at a subsequent stage or has been tampered with in any manner, either by the petitioner or by the respondent – Commission, cannot be looked into in writ proceedings as that would require forensic evidence. The writ court is not equipped or meant to make a roving and fishing inquiry into the record of selection,

when the short controversy raised in the petition was that the petitioner on his own admission had darkened/marked his roll number wrongly on the OMR sheet, when there were clear and categorical instructions in the booklet that any mistake on the OMR sheet would lead to cancellation of candidature.

Consequently, no ground for interference is made out in this petition by invoking Article 226 of the Constitution and the same is ordered to stand dismissed.

In any case, since seriously disputed questions of fact are involved relating to the OMR sheet, the petitioner is at liberty to approach the civil court where evidence can be led to reveal the truth or otherwise of the genuineness of the OMR sheet, one in the petitioner's hand, the other two sheets with the Commission.

All the original OMR sheets and attendance sheets brought today as well as the original OMR sheet lying in the custody of the Registrar General of this Court are returned to Ms. Shruti Jain Goyal for remittance to the Commission. Candidate's copy is returned to the petitioner.

01.03.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>