

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

CWP No. 23861 of 2017

Date of Decision:-30.08.2018

Sheel Kumar

...Petitioner

Versus

Haryana Staff Selection Commission

...Respondent

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vikram Sheoran, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

RITU BAHRI J.(Oral)

The petitioner is seeking direction to the respondent to consider him for the post of Clerk meant for ESM General Category as per advertisement No.10/2015 dated 24.11.2015 (Annexure P-1).

As per reply filed by the respondent-Staff Selection Commission, the petitioner appeared in the written test vide Roll No.1510585583 and has erased/smudged the answer to question No.81 on OMR sheet in violation of instructions and accordingly her OMR sheet was not evaluated as per terms and conditions of the Admit Card, OMR Sheets, Question paper and her candidature has been rejected. In the Admit Card (Annexure R-1), there was condition No.6, which reads as under :-

“6. Candidates are warned not to fold, tear, destroy

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.”

This issue has already been considered by the Division Bench of this Court in **LPA No.92 of 2017 (O & M)**, titled '**Anshu and others vs. State of Haryana and others**', decided on 20.1.2017 (Annexure R-3) whereby the judgment passed by the Single Bench dated 21.12.2016 has been challenged and it has been held that if an answer sheet is found to be smudged with double marking and even erasing fluid, the answer sheet has to be cancelled as per the condition already reflected in the Admit Card and the judgment of the Single Bench has been upheld by the Division Bench vide judgment dated 20.1.2017. The SLP against the said judgment has also been dismissed vide order dated 27.3.2017 (Annexure R-4). Thereafter, this Court in the case **CWP No.26745 of 2017**, titled '**Ravinder vs. State of Haryana and others**' alongwith other writ petitions, vide order dated 18.12.2017 dismissed the writ petition, following the judgment passed by Division Bench of this Court. However, the LPA No.424 of 2017, titled **Jony and others vs. State of Haryana and others**', was disposed of on 28.3.2017 by giving directions to the respondent-Staff Selection Commission to sympathetically re-consider the appellant's claim. Learned State counsel has informed that pursuant to the directions given by the LPA

Bench, the Staff Selection Commission has rejected the case of the appellant as well.

In view of the above facts, this writ petition is hereby dismissed.

August 30, 2018
Vijay Asija

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No