

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13090 of 2019

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the 2nd respondent in not recounting the marks in consonance with Optical Marks Recognition Sheet (OMR sheet) of the petitioner and the Key placed in the web site, as illegal, arbitrary and unjustifiable and in violation of the principles of natural justice and violative of Articles 16 and 21 of the Constitution of India and sought a consequential direction to the respondents to recount the marks in consonance with the Key and the OMR sheet.

Heard the learned counsel for both parties.

It has been contended by the petitioner that she has appeared for the final written examination for the post of Police Constable in pursuance of notification dated 31.05.2018. The grievance of the petitioner is that though she has answered 71 questions correctly, the authorities have not properly counted the marks and she was awarded only '69' marks.

Therefore, learned counsel for the petitioner had submitted that let there be a direction to the respondents to produce the original OMR sheet so as to enable this Court to correct the marks of the petitioner from '69' to '71'.

When the matter is taken up for hearing, learned Standing Counsel appearing for the 2nd respondent has produced the petitioner's original OMR sheet, which clearly shows that in respect of question

No.70, the petitioner has put a small dot in the first circle in addition to darkening of the third circle and, in respect of question No.148, the last darkened circle is erased and the first circle is darkened. Therefore, the respondents have not considered the answers of those two questions as correct. Learned Standing Counsel stated that in the instructions given to the candidates who have participated in the selection process, it was made clear that if any candidates select more than one answer to each question from the multiple choice of answers 1,2,3 or 4, then such answer would be invalidated.

This Court, having considered the rival submissions of learned counsel for both parties and having perused the original OMR sheet of the petitioner, is of the considered view that the respondents have rightly invalidated two questions of the petitioner, as the petitioner has furnished more than one answer to question Nos.70 and 148. Hence, this Court is not inclined to interfere in the matter and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J