

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

**CWP-6170-2018 (O&M)
Date of Decision: 13.02.2019**

Anil Kumar

... Petitioner

Vs.

Haryana Staff Selection Commission and another

... Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Balraj Singh Rathee, Advocate
for the petitioner.

Mr. Harish Nain, A.A.G. Haryana.

RITU BAHRI, J. (Oral)

The petitioner has participated for the post of Grid Sub-Station Operator pursuant to the advertisement dated 20.02.2016 (Annexure P-1) wherein an order dated 09.03.2018 (Annexure P-14) has been passed whereby candidature of the petitioner has been rejected on the ground that the petitioner has smudged/erased question No.61 on the OMR sheet.

Perusal of impugned order dated 09.03.2018 (Annexure P-14) would show that the OMR sheet of the petitioner and other records have been gone through and it has been found that the OMR sheet of petitioner namely Anil Kumar S/o Shri Darshan Singh, Roll No.1305607417 has been rejected by Commission as he has smudged/erased question No.61 on the OMR Sheet. Therefore, as per instructions clearly mentioned on Question Paper, O.M.R. Sheet and Commission Resolution dated 19.10.2015 due to smudging/Erase on the OMR Sheet the candidature of the petitioner was rejected for the post of **Grid Sub Station Operator** against advertisement in question. This order would also show that same issue has been upheld by the Division Bench of this Court vide order dated 20.01.2017 in LPA No.92 of 2017 and SLP filed against this order has been dismissed vide order dated 27.03.2017.

Learned State counsel has produced the OMR sheet of the petitioner. A perusal of the same would show that question No.61 (Answer to Question) on the OMR Sheet has been smudged/erased.

Original OMR sheet is returned back to the learned counsel for the Commission.

Hence, in the impugned order dated 9.3.2018 (Annexure P-14), it has been rightly mentioned that the petitioner has smudged/erased question No.61 on the OMR sheet. Thus, impugned order dated 9.3.2018 (Annexure P-14) does not call for any interference.

However, learned counsel for the petitioner has referred to a judgment of this Court passed in CWP No.26745 of 2017; Ravinder v. State of Haryana and others; decided on 26745 of 2017 to contend that the petitioner should be given benefit of deleting marks of one question and assessing his merit on the other questions which have been rightly answered by the petitioner. A perusal of the said judgment shows that Court has given an opinion that instead of rejecting the entire answer sheet, the said issue would be looked at by the Commission even in respect of those selection processes as have been initiated, but where the written examination is still to be held.

However, the aforesaid opinion would not have any bearing with respect to the present case as on this issue LPA Bench has already attained finality.

Accordingly, the present petition is dismissed.

(RITU BAHRI)
JUDGE

13.02.2019

rajeev

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No