

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

CWP No. 19009 of 2020

Date of decision : November 12, 2020

* * * * *

Sweeti and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

* * * * *

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

* * * * *

Present: Mr. Ravi Malik, Advocate for the petitioners.

* * * * *

RITU BAHRI, J.

Through the present petition, the petitioners are seeking quashing of the action of respondent-Haryana Staff Selection Commission (hereinafter referred to as 'the respondent-Commission') for not evaluating the entire OMR sheet of the petitioners due to erasing/alteration/smudging done by them against options of the questions no. 72 and 50 of Paper Code 'B' and 'D' respectively of the written examination for the post of PGT Sanskrit held on 15/06/2016 against the advertisement 21/09/2015 (Annexure P-1).

Briefly stated, the facts of the case, are that the advertisement dated 21.09.2015 (Annexure P-1) was issued for filling up the posts of PGT Sanskrit. Petitioners appeared in the written examination held on 15.6.2016

under the Paper Code “B” and “D” respectively. The respondent-Commission declared the result of the written test held on 15/06/2016 for the post of PGT Sanskrit on 06/02/2017 (Annexure P-4). The final result was declared by the respondent-Commission on 01/01/2018 (Annexure P-5). After the declaration of the final result on 01/01/2018, the respondent-Commission vide letters dated 30/09/2018, 09/12/2018 and 04/05/2019 (Annexure P-6 colly.) called the candidates who secured 88, 66 and 60 marks in the written examination for interview to be held on various dates. The petitioners submitted a representation dated 11.6.2019 (Annexure P-7) to the respondent-Commission to know the reason of not including the petitioners in the document verification and interview list. As stated in the petition, the petitioners were orally informed that as per the rules and Instructions of the Government and Commission that on account of any alteration or use of eraser found in the OMR sheet would amount to non-evaluation of the entire OMR sheet.

Mr. Ravi Malik, counsel for the petitioner has referred to the judgement passed by this Court in the case of Ravinder Vs. State of Haryana and others (CWP No.26745 of 2017 and other connected cases) decided on 18th December 2017 (Annexures P-8 & P-9), wherein the issue raised was that as to whether the respondent-Commission should ignore only the answers that have been erased/alterd etc. by candidates in the OMR answer sheets given to them for the purpose of the written examinations conducted by the Commission, instead of rejecting the entire answer sheets itself for even any single erasure/alteration etc. During the proceedings, an expert on the issue had been brought by the Commission itself before this Court, who had opined that as a matter of fact, the computer scanner does not reject the entire answer sheet but ignores only those answers where an erasure/alteration etc. has

been made. However, the stand of the Commission, was that the rejection of the entire answer sheet is actually a method to prevent any kind of tampering in the sheet and to maintain transparency in the selection process. As regards the issue of considering the candidature of the petitioners where answers have been either erased or altered, these petitions were dismissed. However, a direction was given to the Commission for future selection processes to see as to why simply the answers that have been altered in the OMR Sheet or have been erased or where double answers have been given etc., should not be the questions which should be ignored, instead of rejecting the entire answer sheet itself. A further direction was made that 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 was still to be held. However, in the present case the advertisement was issued way back in the year 2015 vide Annexure P-1 and result of the written test was declared on 06/02/2017. Hence the benefit of the judgement given by this court in ***Ravinder's case (supra)*** cannot be extended to the petitioners for not evaluating the entire OMR sheet of the petitioners due to erasing/alteration/smudging done by them against option of the question No. 72 and 50 of Paper Code 'B' and 'D' respectively of the written examination. The selection process has already attained finality.

This court in the case of ***Anshu and others Vs. State of Haryana and another 2018 (2) SCT 66*** was examining a case of the selection for the post of PGT (Mathematics) wherein as per the instructions given for appearing in the written examination, use of eraser, blade, nail or white fluid/whitener, smudging scratching or damaging, in any manner, the OMR answer sheets, shall lead to cancellation of candidature and such OMR answer sheets

shall not be evaluated. The above said instructions issued at the time of written examination were upheld and the writ petition was dismissed by holding that the petitioner was bound by the terms and conditions of the Instructions while appearing for the examination. LPA against the said judgment (LPA No. 92 of 2017) has also been dismissed vide order dated 20/01/2007 by a Division Bench of this Court. Even the SLP against the said judgement has also been dismissed by Hon’ble the Supreme Court of India.

In view of what has been discussed above and placing reliance on the aforementioned judgements, the present petition is hereby dismissed.

November 12, 2020
ritu

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No