

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

LPA-1-2020 (O&M)

Date of decision:- 07.01.2020

Pankaj Khairwal

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. D.R. Sharma, Advocate,
for the appellant.

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal has been filed against an order dated 14.10.2019 passed by the learned Single Judge dismissing the writ petition being CWP-25625-2019 filed by the petitioner (appellant herein) claiming that he was entitled to be awarded 150 marks, whereas the respondent-authorities had wrongly deducted 04 marks by not awarding marks for questions No. 33 and 54.

Learned counsel appearing for the appellant submits that the appellant had not indulged in any kind of cheating or other unfair means and, therefore, the authorities could not have invoked Condition No. 8 contained in the booklet. Learned counsel for the appellant submits that though the appellant had not indulged in any unfair means, the learned Single Judge has wrongly dismissed the writ petition by invoking Condition No. 8.

We have heard learned counsel for the appellant at length.

From a perusal of the record as well as Condition No. 8 of the booklet, it is apparent that any use of eraser, nail, blade, white fluid/whitener etc. to smudge, scratch or damage the OMR sheet would result in cancellation of the answer-sheet. On a perusal of the OMR sheet that has been filed by the appellant as Annexure P-5, it is clear that the appellant has indicated two options as answer to question No. 33 and has also done the same thing in respect of question No. 54. Resultantly, the respondent-authorities have not awarded any marks to the appellant in respect of questions No. 33 and 54 for he was required to mark only one of the options as answer to those questions. Thus, the respondent-authorities have not cancelled the answer-sheet as provided or prescribed in Condition No. 8 of the booklet.

In the circumstances, we do not find any illegality in the award of marks to the appellant. We are also of the considered opinion that the answer-sheet of the appellant has not been cancelled and the authorities have also not taken any action under the said condition by recording the fact that the appellant has indulged in any unfair means or violated the said condition.

In the light of the above, we agree with the conclusion recorded by the learned Single Judge that there is no merit in the petition and dismiss the appeal.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

07.01.2020
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No