

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

CWP No.5685 of 2021.
Date of Decision:-19.03.2021.

Satbir Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. G.S. Gopera, Advocate for
Mr. Shalender Mohan, Advocate for the petitioner.
Mr. S.S. Pannu, DAG, Haryana.

MEENAKSHI I. MEHTA J. (Oral)

By way of the instant petition, the petitioner seeks the relief of the issuance of a writ in the nature of *certiorari* quashing the action of the respondents in orally rejecting his candidature and not calling him for the verification of his documents and for the interview for the post of Art and Craft Teacher and also quashing condition No.8 of the Question Paper and the same condition as mentioned in the Admit Card/Roll No. and OMR Sheet and he has made a further prayer for the issuance of a writ in the nature of *mandamus* directing the respondent No.3-Commission (hereinafter referred to as 'the HSSC') to re-evaluate his OMR Answer-Sheet by ignoring the smudging or erasing thereon and to call him for the verification of his documents and also for the interview provisionally.

2. As per the brief factual-matrix as canvassed by the petitioner in this petition, he had applied for his selection and appointment on the said

post in pursuance of the Advertisement No.6 of 2006 under category No.22. However, the selection process, as conducted in pursuance thereof, was challenged vide a bunch of writ petitions and consequent upon the decision thereof, the written examination was ordered to be conducted again. He had appeared in the written examination as held on 31.01.2021 with Roll No.2660006688. The answer-key was uploaded by the respondents on 03.02.2021 and when evaluated in terms thereof, his score comes out to be 65 marks as is explicit from the copies of his OMR Sheet and Self-Assessment Sheet (Annexure P-9). However, as per the result declared by the respondents on 23.02.2021, he was not called for the verification of his documents and also for the interview and on contacting the officials of the HSSC, he was informed that Question No.52 in his OMR Sheet had been found to be smudged/erased, and therefore, his OMR Answer Sheet had not been evaluated and his candidature had also been cancelled.

3. It is pertinent to mention here that vide order dated 17.03.2021 passed in this petition, learned State counsel had been directed to get the original OMR Sheet of the petitioner placed on the record in a sealed cover. Today, in compliance of the said order, learned State counsel has brought the original OMR Answer-Sheet of the petitioner under the sealed cover and the same has been opened. A bare perusal of the original OMR Answer-Sheet of the petitioner reveals that there is a scratching at option 'A' pertaining to Question No.52 therein. This original OMR Answer-Sheet of the petitioner has also been shown to the counsel appearing for him, in the Court and he has not been able to rebut or deny the said fact.

4. Undisputedly, specific instructions had been issued by the respondent-Commission cautioning the candidates appearing in the said written examination that in case their OMR Answer Sheets were found to be smudged, damaged or scratched by using eraser, Nail, blade, white fluid/whitener etc., the same would be liable to be rejected/cancelled. As discussed in the preceding paragraph, the original OMR Answer-Sheet of the petitioner is found to have been scratched. Such a situation has been dealt with by the Single Bench of this Court in **Anshu and others Vs. State of Haryana and others 2018 (2) SCT 66**, wherein it has been observed that in such an eventuality, the OMR Answer-Sheet would be liable to be rejected for evaluation and the candidature would stand cancelled. Letter Patent Appeal No.92 of 2017, preferred against the said judgment of Learned Single Judge, was dismissed on 20.01.2017 and the Special Leave to Appeal (Civil) No.8430 of 2017 as filed to assail the judgment passed in the said LPA, had also been dismissed by the Apex Court on 27.03.2017. It being so, it is explicit that the OMR Answer-Sheet of the petitioner has rightly been rejected for its evaluation.

5. To add to it, the petitioner has placed on file the copies of his OMR Sheet as well as Self-Assessment Sheet as Annexure P-9 but a perusal of the Self-Assessment Sheet at Page No.90 in the paper book reveals that it pertains to one Archana Kumari and not to the petitioner and as per the version of the petitioner himself, he had secured 65 marks in the written examination as against the minimum requisite marks, i.e., 90 marks, being 45% of the total 200 marks for the said exam and this fact makes it crystal

clear that he had not qualified in the said written examination.

6. As a sequel to the fore-going discussion, it follows that the instant petition is *sans* any merit and therefore, it deserves dismissal. Resultantly, the same stands dismissed.

The original OMR Answer-Sheet of the petitioner, as brought in the Court today in the sealed cover, be returned to learned State counsel, as per the relevant procedure, in the same envelope after resealing the same.

(MEENAKSHI I. MEHTA)
JUDGE

March 19, 2021.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.