

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

CWP No.5691 of 2021.
Date of Decision:-19.03.2021.

Jyotika

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. G.S. Gopera, Advocate for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana, for the respondents.

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 *mandamus* directing the respondents to scrutinize her documents including her OMR Sheet dated 31.01.2021 afresh and to evaluate the same in accordance with the answer-key dated 03.02.2021, while ignoring the alleged smudging/scratching/double marking thereon by her, so as to enable her to compete with other candidates for her selection and appointment to the post of Art and Craft Teacher.

2. As per the brief factual-matrix as canvassed by the petitioner in this petition, she had applied for her 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. She had appeared in the written examination as held on 31.01.2021 with Roll No.2660010350. The answer-key was uploaded by the respondents on 03.02.2021 and when evaluated in terms thereof, her score comes out to be 128 marks, much higher than the qualifying marks, i.e. 45%. However, as per the result declared by the respondents on 23.02.2021, her name was not included in the result sheet. On enquiring from the office of respondent No.3 in this regard, she was informed that question No.52 in her OMR Sheet had been found to be smudged/double blackened/erased, which amounted to the violation of the instructions and therefore, her OMR Sheet had been outrightly rejected on this score.

3. It is pertinent to mention here that vide the 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 'C' pertaining to Question No.52 therein. This original OMR Answer-Sheet of the petitioner has also been shown to her counsel 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. 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:-

Whether Reportable:-

Yes / No

Yes / No.