

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

Sr.No.112

Civil Writ Petition No.6952 of 2021

Date of Decision: 05th April, 2021.

Reman Kumari

...Petitioner

Versus

Haryana Staff Selection Commission

...Respondent

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

Present: Mr. Manoj Makkar, Advocate,
for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

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MEENAKSHI I. MEHTA, J.

By way of the instant petition, the petitioner seeks the relief of the issuance of a writ in the nature of mandamus directing the respondent-Commission to consider her eligible for the post of Art and Craft Teacher under BCA Category and also to call her for the interview provisionally.

2. Bereft of unnecessary details, the facts culminating in the filing of this petition, are that in pursuance of the Advertisement No.6 of 2006, the petitioner had applied for her selection to the said post under Category No.22. The earlier selection process, as conducted in respect of the said Advertisement, was set aside by the Court. Thereafter, the selection process has been conducted afresh and she appeared in the written examination as held on 31.01.2021 with Roll No.2660008943. The respondent-Commission

uploaded the answer-key and when evaluated in the terms thereof, her score comes out to be 108 marks. However, her name did not find mention in the result sheet notified by the respondent on 23.02.2021 despite the fact that the last candidate, who was declared eligible for the interview under the BCA Category, had secured 96 marks. She came to know from the other candidates that her candidature had been cancelled on account of her having darkened two option circles in respect of Questions No.49 and 91 in her OMR Answer Sheet.

3. It is worth-while to mention here that vide the order dated 25.03.2021 as passed in the petition in hand, learned State counsel had been directed to produce the original OMR Answer-Sheet of the petitioner in the Court 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 scratching at option 'A' qua Question No.49 and at option 'C' pertaining to Question No.91 therein. The original OMR Answer-Sheet of the petitioner has also been shown to her learned 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

05.04.2021.
seema

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No