

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

125

**CWP No.15928 of 2021
Decided on : 19.08.2021**

Suman Rani

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Ravinder Bangar, Advocate for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226/227 of the Constitution of India seeks directions for conducting the provisional interview for the post of Art & Craft Teacher against Advertisement No.6/2006.

It is the case of the petitioner that her result was rejected due to double marking/erasing or scratched and smudged OMR Sheet and due to which she has not been shown in the interview list dated 10.03.2021 (Annexure P-10). It is further the case of the petitioner that her Roll No.2660004813 has thus been shown in final result (Annexure P-18) issued by the Commission as 'Rejected as Scratched & Smudged' and, therefore, uploading of the marks and status of the said candidates has not been done.

In similar circumstances in **CWP-4938-2021 'Nishant Singh Vs. State of Haryana and others'** decided on 05.07.2021, this Court passed the following order regarding the same selection process:-

“It has not been disputed that in CWP No.4822 of 2021 *Aarti and other Vs. State of Haryana (decided on 03.03.2021)*, the same selection process was under consideration and the same issue

arose before the Co-ordinate Bench, which while placing reliance upon an earlier decision in ***Anshu and others Vs. State of Haryana and Others (Civil Writ Petition No.22918 of 2016, decided on 21.12.2016)***, dismissed the writ petition. Letter's Patent Appeal against the decision in ***Anshu's*** case was also dismissed on 20.01.2017 in LPA No.92 of 2017. Special Leave to Appeal (Civil) No.8430 of 2017 filed against the said judgment, was also dismissed by Hon'ble Apex Court on 27.03.2017.

The issue had been raised earlier in CWP No.26745 of 2017 ***Ravinder Vs. State of Haryana and others decided on 18.12.2017*** (Annexure P-9) before another Co-ordinate Bench, wherein certain observations were made by the Bench on account of the fact that Mr. Baldev Raj Mahajan, learned Advocate General, Haryana submitted that the Commission is very much willing to look at its option for the future regarding the checking of the altered/smudged OMR sheets instead of rejecting the entire OMR sheet, relying upon the opinion given by the expert.

In the reply filed by the respondent-Commission, it has been specifically averred that as per the resolution of the Commission dated 04.01.2018, earlier practice as such not to evaluate the smudged answer sheets was being retained to avoid cheating, tampering, manipulation, malpractices etc. The relevant portion of the resolution reads as under:-

“It is also well settled that an examining body can lay its instructions. Thus, in view the position as mentioned above, the Commission unanimously decide and resolve that even though as per the expect the evaluation of smudged answers is technically possible but in view the larger interest and to prevent cheating in the examination hall by the candidate, candidate's interest and tempering, manipulation, malpractices, fraudulent practices by manual intervention at any

stage, pre-exam or post-exam, the process already being followed, i.e. not to evaluate the smudged/scratched should be continued for the exam to be held in further and as such reiterates the stand already taken in the matter.”

This aspect has also been noticed by the Co-ordinate bench in *Aarti's case (supra)*. In similar circumstances, another Civil Writ Petition No.6952 of 2021 *Reman Kumari Vs. Haryana Staff Selection Commission, decided on 05.04.2021* was dismissed against same advertisement No.6 of 2006 and was upheld by the Division Bench in LPA No.463 of 2021 *Reman Kumari Vs. Haryana Staff Selection Commission*, on 20.05.2021.

Thus, the arguments as such of learned counsel for the petitioner that other Letter Patent Appeals are pending arising out of *Aarti's case (supra)*, would not detain this Court. It is imperative and important to have settled principles applied for the purpose of selection so that the appointments can be made at the earliest. It is to be noticed that advertisement was of the year 2006 and till date selection process has not been finalised. In such circumstances, this Court is of the opinion that there is no scope for entertaining the writ petition for further relief as claimed. Accordingly, the same is dismissed.”

In the considered opinion of this Court, the said matter directly covers the case of the petitioner and, thus, there is no scope for interference. Accordingly, the present writ petition stands dismissed in limine.

August 19, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No