

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

CWP-19813-2021

Date of decision: 30.09.2021

Bhim Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sube S. Kaushik, Advocate,
for the petitioner.

Ms. Rajni Gupta, Additional A.G., Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of mandamus directing the respondent-Commission to include his name in the list of successful candidates as per the merit list of written examination and not to treat his candidature as cancelled.

2. Learned counsel for the petitioner submits that Petitioner enquired from the Commission as to why his roll number has not been mentioned in the list of successful candidates to be called for scrutiny of documents, and was told verbally that his candidature has been cancelled, ostensibly on the ground that he had darkened two circles as his answer to one of the questions in his OMR Sheet.

3. Learned counsel for the petitioner contends that, assuming so, at worst, one answer ought not to be evaluated as per condition No.6 of OMR sheet. However, candidature of the petitioner has been cancelled. Moreover, once the Commission has itself mentioned in

condition No.8 that eraser, white fluid, nail, blade etc. are not to be used, therefore, if a candidate by mistake darkens/blackens more than one circle, the only option left to a candidate is to leave the OMR sheet as it is. In the event, relevant question is not to be evaluated. On the other hand, if a candidate uses eraser etc., then for sure his candidature shall be cancelled as per condition No. 8.

4. Learned counsel for the petitioner submits that qua his aforesaid grievance, petitioner submitted a representation dated 27.08.2021 (Annexure P-8) but the same has not been adverted by the respondents till date. Hence, the instant petition.

5. On advance service, learned State counsel joins proceedings and submits that pending representation dated 27.08.2021 (Annexure P-8) shall be looked into by the competent authority and appropriate administrative decision shall be taken, in due course

6. At this stage, learned counsel for the petitioner submits that let a final decision be taken, by the competent authority on the pending representation dated 27.08.2021 (Annexure P-8).

7. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

8. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per representation dated 27.08.2021 (Annexure P8) and also by keeping in view the contentions

raised in the present petition by treating the same as supplementary representation and take a decision, in accordance with law.

9. Let the needful be done within a period of 30 days from today.

10. Disposed of accordingly.

30.09.2021
vandana

(ARUN MONGA)
JUDGE

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