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

**CWP-27855-2019
Date of decision: 10.08.2022**

SONU

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jasbir Mor, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed seeking appointment for the post of Sub-Inspector (Male) under advertisement No.3/2018 dated 16.04.2018.

Learned counsel for the petitioner herein would contend that pursuant to the said advertisement, petitioner applied for the post of Sub-Inspector (Male) and thereafter, was given an admit card. He undertook the written examination and also cleared the Physical Measurement Test and Physical Screening Test, however, for reasons best known to the respondents, he was not considered for the appointment. He would submit that the petitioner had attempted sufficient number of questions correctly and, therefore, ought to have been given the requisite marks.

Pursuant to notice of motion having been issued as far back as in 2019, reply has been filed on behalf of respondent No.2, wherein a categoric

stand has been taken that the candidature of the petitioner stands rejected on account of the fact that there was smudging on his OMR answer sheet.

Learned State counsel would submit that the OMR sheet of the petitioner would show that he had scratched/smudged the answer box against question No.36 and, therefore, in terms of the instructions issued, his OMR answer sheet was not evaluated.

I have heard learned counsel for the parties.

In view of the categorical stand taken that the OMR sheet of the petitioner was not evaluated on account of smudging, this Court would find no ground to interfere especially in view of the fact that there are specific instructions issued to the candidates on the admit card itself. A perusal of instruction No.6 is reproduced hereunder:-

“6. Candidates are warned not to fold, tear, destroy or make any stray marks on the OMR Answer Sheets. Use of Eraser, Nail, Blade, White Fluid/Whitener etc. to smudge, scratch or damage in any manner the OMR sheet during Examination is strictly prohibited. Candidature of candidates using Eraser, Blade, Nail or White Fluids/Whitener to smudge, scratch or damage the answer Sheets shall be cancelled.”

Consequently, finding no merit in the claim of the petitioner herein and in view of the positive stand taken by the respondent-Commission that there was smudging in the OMR answer sheet of the petitioner against question No.36, the instant writ petition is dismissed.

10.08.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No