

CWP-16069-2020

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

CWP-16069-2020

Date of decision:10.01.2023

Surender

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Rohit Arya, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks issuance of directions to the respondents allowing him to appear in the scrutiny of documents-cum-interview, to be held on 01.10.2020 and 03.10.2020 to 04.10.2020 as per the public notice-cum-result of the written test dated 24.09.2020 (Annexure P-11), for the reason that the petitioner had secured 51 marks as per the OMR Sheet (Annexure P-8).

Learned counsel for the petitioner contends that though there were some scratching/smudging/erasing in the OMR sheet of the petitioner, yet the fact remains that as many as 1000 posts approximately in all the categories are still lying vacant.

Learned State counsel submits that during evaluation, answer sheets of 108 candidates were rejected due to scratching/smudging/erasing and they had not been considered for further process of recruitment as per

CWP-16069-2020

the terms and conditions of the examination mentioned in the question paper and undertaking. In support of his contentions, learned State counsel relies upon the judgment dated 20.01.2017 rendered by a Division Bench of this Court in LPA No.92-2017, titled as 'Anshu and Others Vs. State of Haryana.'

I have heard the learned counsel for the parties.

There were specific guidelines provided to the candidates to adopt the manner in which the answer-sheet had to be marked and similarly, they were cautioned not to use fluid or scratch the OMR sheet. Not only the petitioner, but also there were as many as 108 candidates whose answer-sheets had been rejected due to scratching/smudging/erasing.

The issue involved in the present writ petition is no longer *res integra*. A Division Bench while deciding the aforesaid issue in Anshu's case (supra), has held as under:

“It is evident that the specific guidelines were provided to the candidates to adopt the manner in which answers were to be marked and similarly they were cautioned not to use fluid or scratch the OMR sheet, but in complete violation of the instructions the answer books were found to be smudged with double marking and even erasing fluid was used as also tampering with the nail/blade.

Having done so the appellants cannot claim any prejudice if strict action has been taken by cancellation of their OMR sheets altogether. Such guidelines are issued as OMR sheets have to be evaluated by a computer which may not respond appropriately in view of abrasions and tampering. The learned Single Judge has rightly

CWP-16069-2020

discarded the plea of the appellants in the impugned order and we, finding no infirmity therein, would also decline interference, particularly when it is expected of the candidates to be conscious of the guidelines and instructions issued by the examiner in the selection process which has to be thoroughly respected.”

In view of the above, this Court does not find any merit in the present petition.

Dismissed.

10.01.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No