

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CWP-23845-2018
Decided on : 04.10.2023

Dalbir Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**PRESENT:** Mr. Gopal Sharma, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the claim of the petitioner is that the name of the petitioner be included in the list of the candidates called for scrutiny of documents for the post of the conductor keeping in view the participation of the petitioner in respect of the selection process which was undertaken in pursuance to the advertisement No. 4/2017. On 06.02.2023, the respondents had brought to the notice of this Court that OMR sheet of the petitioner was scratched/smudged, hence, keeping in view the terms and conditions of the examination, the candidature of the petitioner stands cancelled and the condition with regard to the cancellation of the candidature upon smudging of the OMR sheet has been upheld by the Division Bench of this Court in *LPA No. 92 of 2017* titled as *Anshu and other Vs. State of Haryana and others*.

2. I have heard learned counsel for the parties and have gone through the record with their able assistance.

3. It is an undisputed fact that as per the terms and conditions of the examination, smudging/scratching of the OMR sheet was not permissible and in case, OMR sheet of any candidate is found to be scratched/smudged, his/her candidature is liable to be rejected outrightly. The said condition has already been upheld by the Division Bench in *Anshu's case (supra)*. Learned counsel for the petitioner has not been able to rebutt the contention being raised by the respondents that the OMR sheet of the petitioner was smudged/scratched or the said stand of the respondent is incorrect in any manner. Hence, keeping in view paragraph 4 of the reply filed by the respondents that the OMR sheet of the petitioner was smudged/scratched, no interference is called for by this Court keeping in view the prayer raised in the present petition.

4. Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

04.10.2023

Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No