

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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CWP-24613-2018 (O&M)

Date of Decision: 20.02.2023

MONIKA SHARMA

... Petitioner

Versus

STATE OF HARYANA AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: None for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

There is no representation on behalf of the petitioner today.

The same was the situation on the last date of hearing i.e. 30.01.2023.

Vide order dated 26.09.2018, a Coordinate Bench of this Court had directed the respondents to interview the petitioner provisionally and keep her result in a sealed cover. Thereafter, this Court, vide order dated 30.01.2023, had directed the State counsel to produce the result of the petitioner, in the sealed cover, in the Court.

Today, it has been pointed out by the learned State counsel that though, in compliance of the order passed by a Coordinate Bench of this Court, the petitioner was provisionally interviewed, yet her complete result cannot be produced as she had scratched/smudged her OMR sheet with respect to questions No.14, 52, 53 and 75, which is in violation of instruction No.6 of the Admit Card, that reads as under:-

'Candidates are warned not to fold, tear, destroy or mark on the OMR answer sheet. Use of eraser, nail, blade, white fluid/whitener etc. to smudge, scratch or damage in any manner on the OMR sheet during examination is strictly prohibited. Candidature/OMR sheet of candidates using eraser, blade, nail or white fluid/whitener to smudge, scratch or damage in any manner the answer sheet shall be cancelled.'

It is contended that owing to the said violation, the OMR sheet cannot be evaluated, at this stage. She further submits that the result of the interview of the petitioner, in a sealed cover, is with her today in Court.

In support of her contentions, learned State counsel relies upon the order dated 20.01.2017 passed by Hon'ble Division Bench of this Court in LPA-92-2017 titled as Anshu and others vs State of Haryana and others. The relevant extract would reads 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 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.

Appeal dismissed'.

She further submits that Special Leave to Appeal (C) Nos.8430-2017 preferred against the order dated 20.01.2017 passed by Hon'ble Division Bench of this Court, was also dismissed by the Hon'ble Apex Court on 27.03.2017.

Be that as it may, since, there is no representation on behalf of the petitioner today, it appears that she is not interested in pursuing the present petition.

Dismissed for non-prosecution.

Since, there are specific assertions that the petitioner had scratched/smudged the OMR sheet, which is in violation of the law laid down by the Hon'ble Division Bench of this Court in Anshu's case (supra) as well as the instructions mentioned in the admit card, this Court does not intend to open/see the interview marks of the petitioner.

20.02.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No