

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

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CWP No. 21666 of 2020 (O&M)

Date of Decision : 25.08.2023

*Shri Bhagwan**..... Petitioner**versus**State of Haryana and others**..... Respondents***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. S.S. Sangwan, Advocate, for the petitioner

Mr. Rohit Arya, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *mandamus* directing the respondent Commission to revise the petitioner's result by correcting his marks, and including his name in the list of qualified candidates called for documents verification and interview for the post of Physical Training Instructor (PTI) in general category, as notified vide advertisement no. 6 of 2006.

2. As per facts apparent on record, the respondent-Haryana Staff Selection Commission invited applications for filling-up posts of PTI vide advertisement no.6 of 2006. The petitioner applied in response thereto, and appeared for the written examination on 23.8.2020. The exam was of 200 marks, having 100 questions, each carrying 2 marks. As per the criteria, to be eligible for selection a candidate had to score more than fifty per cent marks. After the exam answer key was uploaded on the

Recognition (OMR) sheets of the candidates, including that of the petitioner, was also released. On comparing it with the answer key, the petitioner assessed that he had answered 55 questions correctly, and his score would be 110 marks, i.e., more than fifty per cent. However, in the final result declared the petitioner scored only 86 marks, and was not included in the list of eligible candidates, nor called for documents verification and interview. In these circumstances, the instant petition was filed seeking revision of result after correction of marks.

3. Learned counsel for the petitioner has contended that keeping in view the answer key published by the Commission, the petitioner answered more than fifty per cent questions correctly. But calculation was not done properly which led to awarding only 86 marks to him. This is arbitrary and illegal, and needs to be corrected.

4. During pendency of the petition, in compliance of interim directions by this Court, the Commission sent the petitioner's answer sheet for re-evaluation. Thereafter, a specific affidavit of its Under Secretary, dated 13.9.2022, was filed that after re-evaluation of the petitioner's OMR sheet and as per computerised evaluation report, total 43 questions were rightly answered by him, and 86 marks were, accordingly, scored. This is less than the requisite fifty per cent marks to qualify the written examination. Further, instructions mentioned in the question booklet have been referred to, which required that OMR answer sheet would be evaluated through electronic scanning process and the candidates were to fully darken the chosen bubbles on it, or else the answers would be treated as wrong and not evaluated. The relevant instructions no. 18, 20 and 21 read as under:

18. The answer sheet will be evaluated through electronic scanning process. Incomplete or incorrect entries may render the answer sheet invalid.
20. While darkening the appropriate bubble(s) in the boxes darken the chosen bubble(s) fully as given below. If you darken more than one circle, your answer will be treated as wrong and such answer shall not be evaluated.
21. If a candidate does not comply with the instructions as mentioned above or creates any kind of indiscipline, the Commission shall take action as per instructions and in addition can also debar the candidates from appearing in the Examination to be held in future and can also file criminal proceedings.
5. The affidavit further states that the petitioner violated the instructions and did not fill the bubbles in the OMR sheet properly, as prescribed. Therefore, while evaluating the sheet electronic scanners did not detect those bubbles, only the properly filled bubbles/circles were evaluated and marks awarded accordingly. A copy of the petitioner's OMR sheet is on record, and a coloured copy thereof was also produced before the Court.
6. Heard.
7. Undisputedly, the whole process of evaluation was carried out by the Commission electronically, without any human intervention. The marks scored by the petitioner were awarded pursuant to scanning of his OMR sheet in the electronic evaluation process; and despite re-evaluation of the answer sheet, his score remained unchanged. There is no *mala fide* or arbitrariness in the process of evaluation. OMR sheets of all other applicants for the post were also evaluated by the same process. No complaint of malpractice or manipulation at any stage in the process has been brought to the Court's notice. In this view of the matter, there is no

scope to entertain any doubt about electronic evaluation of the petitioner's OMR sheet and award of marks pursuant thereto. The circles correctly darkened by him which could be read/noticed by the scanner, were evaluated in the electronic process and marks awarded on that basis. Since the petitioner scored less than fifty per cent marks, he did not qualify the written examination and was, accordingly, not called for documents' verification and interview for the post. There is nothing irregular or illegal about it.

8. In view of the discussion, there is no merit in the petition.

9. Dismissed.

10. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

25.8.2023

Ashwani

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No