

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

**CWP-27033 of 2022 (O&M)
Date of decision: 13.01.2023**

Poonam Godara

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Gurpreet Singh, Addl.A.G., Punjab and
Mr. Inderpreet Singh Kang, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. On 24.11.2022, the following order was passed:-

“The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Mandamus directing the respondents to correctly evaluate the OMR answer sheet (Annexure P-3) of the petitioner wherein she has answered all three subjects.

Learned counsel for the petitioner refers to Annexure P-3 i.e. the OMR answer sheet of the petitioner wherein she has answered all three sections, however, she has not filled the title in Section-C which was Zoology and as a result thereof, the evaluation of the petitioner against Section-C has not been done by the respondents and her merit has been prepared only on the basis of evaluation from Section-A and Section-B which relate to Chemistry and Botany respectively.

Learned counsel for the petitioner contends that since the petitioner has already attempted the Section-C pertaining to Zoology, there is no reason why the evaluation of her OMR answer sheet for the said section be not undertaken and her merits list on the basis of revised evaluation be not prepared. Notice of motion returnable on 13.12.2022.”

2. In deference to the order dated 12.01.2023, Smt. Jaspreet

Talwar, IAS, Principal Secretary, Department of School Education, Punjab,

has attended the hearing of the Court. She has explained that if the court permits the correction in the answer sheet, it would lead to chaos in the whole process. She submits that under the instructions given to the candidates for marking on side-2, it was specifically provided that the candidate must fill up the subjects for section A, B and Section C otherwise the answer sheet of the candidate will not be evaluated and zero marks will be awarded for that particular section. It was also explained that there were 5 subjects out of which a candidate was required to choose only three subjects.

3. In exercise of the writ jurisdiction, the Court is expected to take a pragmatic view of the matter. The Court cannot be swayed by compassion and empathy only, while brushing aside the legal points for determination.

4. In the absence of a corresponding right, the writ petition cannot be allowed.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

January 13, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No