

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CWP No. 3362 of 2019
Date of Decision : 23.04.2024

Nitin Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aryavart, Advocate for
Mr. Suresh Kumar Kaushik, Advocate for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the result of the selection process initiated for Group-D post in pursuance to the Advertisement No. 4 of 2018 dated 26.08.2018 (Annexure P-1) with a prayer that though, the petitioner has obtained more marks in the written examination, he has still not been selected for the post in question. The further grievance of the petitioner is that he has not been given marks under the Socio Economic Criteria.
2. On the other hand, the respondents have mentioned that the petitioner's candidature has been cancelled on the ground that he had smudged his OMR sheet. The smudged copy of the OMR sheet has been attached as R2/1 and as per the terms and conditions of the Advertisement dated 26.08.2018 (Annexure P-1) in case, any candidate smudges the OMR sheet, his candidature will stand cancelled.

3. There is no replication to the written statement filed on behalf of the respondents.

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

5. Once, it is a case of smudging of the OMR sheet and as per the terms and conditions of the Advertisement as advertised by the concerned authority dated 26.08.2018 (Annexure P-1), any candidate who smudges the OMR sheet, his/her candidature will be cancelled, no grievance can be raised by the petitioner. It may be noticed that the said condition of cancelling the candidature of a candidate of smudging of the OMR sheet, has already been upheld and reliance can be placed on the judgment in LPA No. 92 of 2017 titled as *Anshu and others Vs. State of Haryana and others*.

6. Keeping in view the above, as the petitioner had smudged his OMR sheet and as per the terms and conditions mentioned in the Advertisement dated 26.08.2018 (Annexure P-1), his candidature is to be cancelled, the respondents have taken a right decision, which is in consonance with the terms and conditions of the Advertisement.

7. No ground is made out for any interference by this Court in the present petition.

8. Dismissed.

April 23rd, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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