

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

(236)

CWP-17614-2020

Date of Decision : January 11, 2024

Sandeep Kumar**.. Petitioner****Versus****Haryana Staff Selection Commission and another .. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Shreenath A. Khemka, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that his candidature has wrongly been cancelled by the respondents while competing for the post of Junior Engineer, as advertised by the respondents vide Advertisement dated 15.06.2019 (Annexure P-1).

2. Learned counsel for the petitioner submits that though, as per the terms and conditions of the examination, in case OMR sheet of any candidate is smudged, candidature of the said candidate will be cancelled but in the present case, the candidature of the petitioner has wrongly been cancelled as the petitioner has not smudged any of the answer rather the petitioner marked two options of Question No.38.

3. Learned State counsel, on the other hand, submits that from the photocopy of the OMR sheet as Annexure R-1, it is clear that the petitioner

initially marked answer as option 'A' and then smudged the same to mark answer as option 'C' and it is not a case to mark two options of the Question No.38.

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

5. Even from a naked eye, it can be seen that the petitioner has smudged the OMR sheet while attempting Question No.38. Initially the petitioner marked the answer as option 'A' and then smudged the said answer so as to mark answer as option 'C'. That being so, it is a clear case of smudging the OMR sheet.

6. Further, as per the decision of the Division Bench of this Court in *LPA No.92 of 2017 titled as Anshu and others vs. State of Haryana, decided on 20.01.2017*, any OMR sheet which has been smudged, the candidature of candidate is liable to be rejected. The said judgment has already been upheld by the Hon'ble Supreme Court of India.

7. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

8. Dismissed.

January 11, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No