



CWP-22048-2024

-1-

125

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22048-2024

Date of Decision: 04.09.2024

SUMIT KUMAR

..... PETITIONER

VERSUS

CENTRAL UNIVERSITY OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vivek Singla, Advocate
for the petitioners.

Mr. Puneet Gupta, Advocate
for respondent No. 1 and 2.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the selection of sixth respondent as Security Inspector.

2. Learned counsel for the petitioner contends that the petitioner applied for the unreserved post of Security Inspector pursuant to employment notice/advertisement No.3/NT/R/2022 dated 21.06.2022, Annexure P/1. As per the selection process, candidates were required to pass a written examination. The petitioner appeared for the same, but remained unsuccessful. He has been furnished with a copy of the answer-sheet, Annexure P/13, which shows that there is overwriting on the answers to question No.11 and 20. It is alleged that this overwriting was done by the members of the Selection Committee/third to fifth respondents to disqualify

**CWP-22048-2024****-2-**

the petitioner from the selection. Otherwise there was no reason for the overwriting, nor was it done by him. He claims to have correctly given the answers, but the overwriting has turned them into incorrect responses. Despite this, he secured eighty-one marks and was placed second in the waiting list, whereas the sixth respondent secured eighty-three marks. Learned counsel further argues, if the answers to these two questions had not been changed, the petitioner would have secured two more marks and would have been selected. It is also contended that the copy of answer-sheet furnished to the petitioner, does not disclose the marks awarded for each question separately, which was required to be done by the University, and there was no reason for concealing the marks.

3. Learned counsel for the respondent-University, appearing on advance notice, contends that the allegations of tempering and overwriting are unfounded. In fact, the identity of the examinee remains confidential and is not disclosed to anybody. Besides, there is no basis for the petitioner to allege that the third to fifth respondents were the examiners for the written test and overwriting has been done by them to exclude the petitioner from the selection process. The names of examiners are also confidential and a candidate/ petitioner would not know about them. He further contends that, as per instructions, the selected candidate/sixth respondent has secured eighty-four marks, and even if the petitioner is to be given marks for the two questions in dispute, his total score would still be eighty-three, which is less than that of the selected candidate.

4. Heard.



CWP-22048-2024

-3-

5. The petitioner has challenged the selection of sixth respondent alleging that there was overwriting in the former’s answers to two questions, carrying one mark each. Although overwriting is apparent upon perusing the answer-sheet, it remains a disputed fact as to who is responsible for it. The petitioner was the examinee, and answered the questions himself. The bald allegation that the overwriting is attributable to the supposed examiners-third to fifth respondents, has no legs to stand upon; it is groundless and unsubstantiated. Such an allegation cannot be established before this Court in exercise of extraordinary jurisdiction, nor can a challenge to the selection be maintained on unfounded allegations. Further, even if the accusations are believed to be true and the petitioner is awarded two marks for the questions said to have been overwritten, he still does not get selected since the sixth respondent has secured eighty-four marks leading to his selection and appointment.

6. In view thereof, there is no merit in the petition and it stands dismissed.

04.09.2024
Seema

(TRIBHUVAN DAHIYA)
JUDGE

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