



**CM-3936-LPA-2026
CM-3937-LPA-2026 in/and
LPA-1611-2026**

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

**(112) CM-3936-LPA-2026
CM-3937-LPA-2026 in/and
LPA-1611-2026
Date of Decision : July 01, 2026**

Ravinder Kumar

.. Appellant

Versus

State of Haryana and another

.. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE AMARINDER SINGH
GREWAL**

Present: Mr. Deepak Chauhan, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-3936-LPA-2026

Present application has been filed seeking condonation of delay of 07 days in filing the appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 07 days in filing the appeal is condoned.

CM-3937-LPA-2026

Present application has been filed seeking condonation of delay of 42 days in re-filing the appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 42 days in re-filing the appeal is condoned.



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LPA-1611-2026 (O&M)

1. In the present appeal, the challenge has been raised to the order dated 29.01.2026 passed by the learned Single Judge in CWP No.31245 of 2018 by which, keeping in view the fact that the OMR sheet of the appellant was scratched and smudged, the relief has been declined.
2. Learned counsel for the appellant has not been able to rebut that the clause existed in the terms and conditions of the selection process that in case the OMR sheet is smudged, scratched or damaged in any manner, the candidature of such candidate will be cancelled.
3. Learned counsel for the appellant submits that once the appellant has interviewed under the interim order of the Court, the said participation should be treated valid ignoring the smudging of the OMR sheet, which aspect has not been considered by the learned Single Judge and therefore, the appellant should be treated eligible to compete for the post in question.
4. We have heard learned counsel for the appellant and have gone through the record with his able assistance.
5. The instructions No. 6 issued to candidates on the admit card, which is relevant for the purpose to compete in the selection process, has been reproduced by the learned Single Judge in paragraph 6 of the order dated 29.01.2026, which is reproduced hereunder for the ready reference:-

“ 6. Candidates were warned not to fold, tear, destroy or make any stray marks on the OMR Answer Sheet. Use of eraser, nail, blade, white fluid/whitener etc. to smudge, scratch or damage in any manner on the OMR sheet during examination is strictly prohibited. Candidature/OMR sheet of



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candidates using eraser, blade, nail or white fluids/whitener to smudge, scratch or damage in any manner the answer sheets shall be cancelled.”

6. The said issue has already been decided by the Division Bench of this Court in ***LPA No.92 of 2017 titled as Anshu and others vs. State of Haryana and others, decided on 20.01.2017*** wherein, the same clause has already been upheld so as to cancel the candidature of the candidate, who smudged the OMR sheet and the said judgment has already been upheld by the Hon'ble Supreme Court of India in SLP (C) No.8430 of 2017, decided on 27.03.2017.

7. Learned counsel for the appellant has not been able to dispute the said settled principle of law.

8. When the law in ***Anshu's case (supra)*** is applied in the present case, the cancellation of the candidature of the appellant in view of the fact that he had smudged two answers to the questions in the OMR sheet, the rejection of the candidature of the appellant was correct and the finding recorded by the learned Single Judge to the said effect has not been rebutted.

9. In the appeal, the intervention can only be made in case, the order passed is perverse either on facts or on law and in the present case, learned counsel for the appellant has not been able to rebut the order passed by the learned Single Judge being passed in consonance with the law keeping in view the facts narrated hereinbefore.

10. Merely, the participation under the interim order of the Court will not give him the relief so as to be treated eligible once, under the terms



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and conditions of the advertisement, the candidature of the appellant has rightly been cancelled. As per the settled principle of law, the terms and conditions of the recruitment/advertisement are sacrosanct and have to be meticulously applied and when the same are applied in the present case, the candidature of the appellant has rightly been rejected hence, claiming relief on the basis of an interim order so as to provisionally allow him to participate in the selection, will not give the appellant a right to claim eligibility.

11. As per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.7677 of 2021 titled as The State of Bihar and others vs. Madhu Kant Ranjan and another, decided on 16.12.2021***, it has been observed that the conditions mentioned in the advertisement are sacrosanct and are required to be complied with strictly without there being any relaxation and any document which is not attached or not produced by the candidate as per the terms and conditions of the advertisement, the candidature of the said candidate can be rejected. The relevant paragraph 9 of the judgment is as under:-

“9. As per the settled proposition of law, a candidate/applicant has to comply with all the conditions/eligibility criteria as per the advertisement before the cut-off date mentioned therein unless extended by the recruiting authority. Also, only those documents, which are submitted alongwith the application form, which are required to be submitted as per the advertisement have to be considered. Therefore, when the respondent No.1 – original writ petitioner did not produce the photocopy of the NCC ‘B’ certificate



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alongwith the original application as per the advertisement and the same was submitted after a period of three years from the cut-off date and that too after the physical test, he was not entitled to the additional five marks of the NCC 'B' certificate. In these circumstances, the Division Bench of the High Court has erred in directing the appellants to appoint the respondent No.1 – original writ petitioner on the post of Constable considering the select list dated 08.09.2007 and allotting five additional marks of NCC 'B' certificate.”

12. No other argument has been raised.
13. 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.
14. Accordingly, the appeal is dismissed.
15. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

July 01, 2026
harsha

(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes
 Whether reportable : No