



CWP-31245-2018

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

Serial No. 219

CWP-31245-2018

Decided on:29.01.2026

Ravinder Kumar

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S. K. Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Advocate and
Ms. Sukriti Jain, Advocate
for the petitioner.

Mr. Rohit Arya, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to interview the petitioner for the post of PGT English as he has scored more marks than the last shortlisted candidate who has been called for interview under BC-B category against advertisement 4/2015, published on 28.06.2015.

2. As per the facts apparent on record, in brief, the petitioner applied for the post in question as BC-B category candidate and was issued roll no. 28504652. He appeared for written test, but scratched and smudged answers to question no.22 and 51 on the OMR sheet provided for the test. Accordingly, it was not evaluated as per terms and conditions contained in the admit card, OMR sheet and the question paper. This led to rejection of his candidature. He approached this Court by filing the instant petition and



pursuant to an interim order he was interviewed as well. As per the petitioner's provisional result produced before the Court, he has secured 108 marks in the written examination and 20 in viva voce, which makes his total score 128, higher than that of the last selected candidate under BC-B category. However, as per specific affidavit filed on behalf of the Commission dated 15.09.2023, his OMR sheet was evaluated manually by the Commission only to prepare the provisional result containing marks of written examination as well as interview, since it was to be produced before the Court in compliance with the directions issued. Otherwise the petitioner's OMR sheet had not been evaluated on account of it having been scratched and smudged by him.

3. In this factual background, learned senior counsel for the petitioner contended that the petitioner is entitled to be appointed as PGT English as he has secured more marks than the last selected candidate. His OMR sheet cannot be cancelled or not evaluated on the ground of violations of certain instructions which do not have any force of law. In support of the contention, he relied upon the law laid down in a Supreme Court judgment rendered in *Hanuman Dutt Shukla and others v. State of U.P. and others*, (2018) 16 SCC 447.

4. *Per contra*, learned State counsel contended that as stated in the reply as well as the affidavit filed on behalf of the respondents, the petitioner's OMR sheet could not be evaluated on account of the same having been smudged by him. Specific instructions to that effect were issued to all the candidates which were required to be strictly adhered to. There was admittedly no adherence by the petitioner and, therefore, the Commission had no option but to cancel his candidature.



5. Submissions made by learned counsel for the parties have been considered.

6. The conceded position on record is that the petitioner scratched and smudged his OMR sheet in the written test against question nos. 22 and 51 and, resultantly, the same could not be evaluated by the Commission as per the laid down terms and conditions. In this regard, reference has been made to instruction no.6 issued to the candidates on the admit card which reads as under:

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

Same instructions were mentioned in the question paper given to the candidates about fifteen minutes prior to the commencement of the examination to enable them to carefully read and understand the same. The petitioner still violated the instructions as aforementioned, inviting cancellation of his candidature. The instructions were uniformly applicable to all the candidates who appeared for the written test, and there was nothing arbitrary or illegal about it. The issue of cancellation of candidature on account of violation of instructions in filling up the OMR sheet has already been dealt by this Court in CWP-27144-2023 titled *Suman Mor v. State of Haryana and others*, dated 13.12.2023, by holding as under:

9. Despite having been duly instructed, the petitioner failed to correctly darken the circle concerning the question



Booklet Series Code in the OMR sheet, which was evaluated electronically in due course. In the absence of any provision for re-evaluation/re-checking, it cannot be claimed as a matter of right. Besides, there is no provision for manual intervention to correct the OMR sheet in any manner, once it has been handed-over to the invigilator/authorities by the examinee after the test, nor is there any provision for correction of inadvertent human error after the test. It is only to ensure sanctity and credibility of the examination process, that the procedure to electronically evaluate the OMR sheets has been adopted which is required to be rigorously followed, without a breach.

10. It is apt to make a reference to the judgment rendered in Jagdish Chandra case (supra), wherein after considering Pankaj Sharma case (supra), it was held that correction of such a mistake will compromise secrecy of the OMR sheet as well as the evaluation process. Besides, permission to correct such mistakes will lead to chaos in the examination process. Relevant paragraphs of the judgment read as under:

22. The plea raised that the mistake committed by the respondent was minor and technical, which on the face of it may appear to be so, however, in case the correction of said mistake is permitted, the same would surely compromise the secrecy of the OMR answer sheet and the evaluation process inasmuch as on a request being made to permit correction, the OMR answer sheet would have to be taken out from the entire lot, the same would be corrected, resulting in identification of the OMR answer sheet with respect to a particular candidate and a possibility of further tinkering with the OMR answer sheet cannot be ruled out.



23. In the present case, the respondent may be one candidate, however, in a given examination there may be several such candidates who may claim to have committed some mistake in indicating the particulars and if it is held as a matter of principle that such mistakes in OMR sheets must be permitted to be corrected, the same would lead to chaos inasmuch as all such candidates then would be required to be permitted to make corrections, exposing the entire lot of OMR answer sheets, which consequence cannot be permitted.

Therefore, the argument of learned senior counsel that the petitioner should be allowed to correct the inadvertent mistake and/or her OMR sheet should be re-evaluated as per Test Booklet Series-A, cannot be entertained.

7. Further, reliance placed by learned senior counsel on *Hanuman Dutt Shukla* case (*supra*) is misplaced. In that case, the candidates who had used whitener/blades in the OMR sheets were accommodated on a concession made by the Advocate General. Besides, the appointments were given as an exception and one time measure, not to be treated as a precedent for any other case. Therefore, the judgment cannot be relied upon as a precedent to decide this case.

8. In view of the discussion, there is no merit in the petition and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

29.01.2026
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Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No