



\$~28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 18332/2025 and CM APPL. 75910/2025

DEEPAK PANWAR

.....Petitioner

Through: Mr. Anmol Panwar, Ms. Tanvi Jain, Advs.

versus

GOVERNMENT OF NCT OF DELHI THROUGH ITS CHIEF SECRETARY AND ORS.Respondents

Through: Ms. Avnish Ahlawat, Standing Counsel with Mr. Uday Singh Ahlawat, Ms. Tania Ahlawat, Mr. Nitesh kumar Singh, Ms. Aliza Alam, Mr. Mohnish Sehrawat, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

08.01.2026

%

1. Through the present Petition, the Petitioner assails the correctness of the order dated 01.07.2025 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal [hereinafter referred to as 'the Tribunal'], whereby the O.A. 2333/2017 filed by the Petitioner was dismissed.

2. In order to comprehend the issues involved in the present case, the relevant facts in brief are required to be noticed.

3. The Petitioner, pursuant to the Recruitment Notice dated 12.09.2013 issued by the Respondent No.2, had applied for the post of DASS Grade-II (Post Code 40/13). Thereafter, in June 2017, he had appeared for the Tier-1 examination for the said post. During the



examination, an Optical Mark Recognition sheet [hereinafter referred to as 'OMR sheet'] was provided to the Petitioner, wherein he was required to correctly indicate his Roll Number both in writing it numerically as well as by filling and shading the corresponding bubbles provided therein.

4. However, in Row No.2 of the OMR sheet, the Petitioner incorrectly shaded two bubbles, i.e., 2 and 4, whereas he was required to shade only the bubble corresponding to 4. On account of the aforestated discrepancy, the OMR sheet of the Petitioner was not evaluated.

5. Thereafter, the Petitioner filed O.A. No.2333/2017 before the Tribunal and the same was dismissed by the Tribunal, while relying upon the judgment dated 06.12.2024 passed by the Tribunal in O.A. 1832/2023 captioned ***Kusum Gupta v. DSSSB*** and judgment dated 25.07.2022 passed by the Supreme Court in Civil Appeal No.4807/2022 captioned ***Union of India & Ors. v. Mahendra Singh***.

6. Aggrieved by the dismissal of his application by the Tribunal, the Petitioner has filed the present Petition.

7. Heard learned counsel representing the parties and with their able assistance perused the paperback.

8. Notably, by order dated 19.12.2025, the Predecessor Bench of this Court directed the Respondents to produce the OMR sheet of the Petitioner on the next date of hearing. In compliance with the said direction, the learned counsel representing the Respondents has produced the OMR sheet of the Petitioner, which has been perused by this Bench.

9. It is evident from the OMR sheet that the Petitioner had shaded two bubbles in Row No.2, whereas he was required to shade only one



bubble. Consequently, the OMR sheet of the Petitioner was not evaluated.

10. The issue involved in the present case already stands covered against the Petitioner by the judgment passed by a Coordinate Bench of this Court in W.P.(C) 17595/2024 captioned ***Delhi Subordinate Services Selection Board and Anr v. Niharika Puhan*** and connected matter. The relevant paragraphs of the aforesaid judgment are extracted below:

“49. Now proceeding to WP(C) 17595/2004, we would begin by referring to the judgment in Roshan Lal (supra), wherein this Court was considering a case where the Test Form Number was required to be bubbled/shaded. The Court found that the computer would read only such an OMR Sheet which contained the correct shading of such a number. The Court, therefore, upheld the rejection of a candidate who had failed to correctly shade the Test Form Number in the answer sheet, as a result of which the Answer Sheet could not be read.

50. In Sandeep Kr. Yadav (supra), in similar circumstances, the Division Bench of this Court held as under:

“15. A glance at the aforesaid instructions issued to the candidates for purposes of marking the OMR sheets shows that explicit directions were given to the candidates to fill and shade their names, roll numbers, date of birth, mode, religion, category, question booklet number & code and sex. All the candidates were informed that the aforesaid information would be essential to evaluate their answer sheets and if the circle as printed against each category is not shaded correctly, then a candidate shall be declared as failed and he would be responsible for such a mistake. The second page of the OMR sheet, on which “Instructions for Marking” were printed, is prefaced with a certificate required to be signed by the candidate declaring inter alia that he had read and understood the instructions set out down below the sheet.

16. In the teeth of the aforesaid clear instructions, the petitioners cannot be heard to state that their candidatures were rejected on technical grounds which could not be an impediment in qualifying them for the second phase and that the respondents ought to have condoned their inadvertent mistakes. 17. If the aforesaid submission made by the learned counsels for the petitioners is accepted, then, in our opinion, it would open a Pandora’s box more so when the candidature of almost 10,000 candidates stationed all over the country who are similarly situated, were rejected by the respondents due to wrong filling/non-filling/non-shading mandatory fields in the OMR sheets. The present case is one where thousands of applicants had applied to the respondent to participate in the first phase of the examination. If the court heeds the submission made by the petitioners herein, then it will have a serious impact on the respondents who will have to re-do the entire results by picking up the answer sheets of



each candidate whose candidature has been rejected due to technical errors in filling up the OMR sheets and then arrange a second phase of examination for the subject post by incurring further expenditure and making requisite arrangements all over again not only for a handful of petitioners before us, but for almost 10,000 similarly placed candidates located all over the country. This process could take several months to complete and shall have the effect of delaying the entire selection process of appointing Head Constables (Ministerial) in the BSF, thereby causing administrative delays and adversely affecting the efficiency of the force. 18. Another consideration that has weighed with this court for declining the request of the petitioners is that not only had the entire process of the examination concluded by the time they had approached the court for relief, if any relief is granted to any of them at this belated stage, it would have a cascading effect as other similarly placed candidates who shall start knocking at the doors of the court asking for similar relief, which is impermissible. 19. We are therefore of the opinion that if the respondents are called upon to accept incomplete OMR sheets of the petitioners, it shall bring the entire examination process to a grinding halt which is not in the larger public interest. More so, when other candidates who have been disqualified by the respondents for the same reason, have reconciled themselves to their fate being mindful of the "Instructions for Marking" printed in the OMR sheets, and conscious of the fact that they had committed mistakes in fulfilling the procedural formalities prescribed by the BSF at the time of filling up the OMR sheets. The petitioners herein cannot be permitted to steal a march over them merely because they have approached the court for relief and that too belatedly, whereas the others have not."

51. In the present case as well, the respondents have asserted that the OMR Sheet of the petitioner could not be read and was never checked because of the incorrect shading of the Roll Number by her. We are informed that, apart from the respondent, that is, Ms.Niharika Puhan, there were another 167 candidates whose candidature was rejected by the petitioners on the same ground of wrong bubbling of the Roll Number."

11. Keeping in view the aforesaid position and since the issue is already covered, the present Petition is dismissed. The pending application also stands closed.

12. The OMR sheet of the Petitioner has been returned to the learned counsel representing the Respondents.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 08, 2026/jai/hr/kb