

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-4112-2021 (O&M)

Date of Decision: February 26, 2021

RENU RANI

..... PETITIONER(s)

Versus

STATE OF HARYANA AND ANOTHER

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Nitin Bansal, Advocate
for the petitioner.

Ms. Upasna Dhawan, Asst. A.G., Haryana.

LISA GILL, J.

Petitioner has filed this writ petition challenging order dated 28.09.2020 (Annexure P-11), which has been passed in compliance of order dated 11.09.2020 (Annexure P-10) in CWP-14238-2020, earlier filed by the petitioner.

Petitioner had filed CWP-14238-2020 with a prayer for a direction to the respondents to consider her candidature for the post of Clerk as she claimed to have secured cut off marks. Respondent-Commission, it was contended, was not revising the final result despite representation being submitted by her. CWP-14238-2020 was disposed of on 11.09.2020 with a direction to the Chairman/Secretary, Staff Selection Commission to decide petitioner's representation within 10 days, after granting her an opportunity

of hearing through video conference. Petitioner's representation was decided vide impugned order dated 28.09.2020 while observing that as per final result dated 03.09.2020, petitioner had secured 64 marks, which is lesser than the marks secured by the last selected candidate in her category i.e. BC-A category, who has secured 65 marks.

Present writ petition was thereafter filed by petitioner raising the sole ground that the original OMR sheet was not made available to petitioner for scrutiny at the time of hearing provided to her through video conference and as per her self assessment, she has secured 66 marks and not 64 marks as mentioned in impugned order dated 28.09.2020.

Learned counsel for the State, to whom an advance copy of the petition had been supplied, had refuted the said averments and it was directed on 22.02.2021 that original OMR sheet be produced in Court. Original OMR sheet made available in Court today, has been seen by learned counsel for the petitioner and it cannot be denied that petitioner has secured 64 marks and not 66 as claimed.

Though, not pleaded in this writ petition, learned counsel for petitioner submits that revision in the answer key has been wrongly effected and it is due to this reason that the petitioner has lost 2 marks.

Learned counsel for the State clarifies that one (1) grace mark as afforded to all the candidates has duly been afforded to petitioner as well.

Specific prayer of the petitioner reads as under:-

- (i) *A Writ in the nature of Certiorari to set aside the impugned order dated 28.09.2020 (Annexure P-11) passed by respondent commission in compliance of the Order dated 11.09.2020 in CWP no 14238 of 2020 titled as Renu Rani versus State of Haryana and others, stating that petitioner has secured 64*

marks lesser than the 65 marks secured by last candidate in BC-A Category thereby rejected the claim of the petitioner without showing the original record of OMR Sheet, Answer key and question booklet relating to the petitioner for the post of clerk for which written examination and scrutiny of documents held vide advt no 5/2019 in which petitioner is confident of securing 66 marks as per answer key and carbon copy of OMR sheet, whereas cut off in BC(A) category is 65 marks as per final result (P-8).

- (ii) *Issue a writ in the nature of Mandamus directing the respondent commission to produce original record including the OMR sheet, answer key and question paper booklet relating to the candidate.*

AND/OR

- (iii) *Issue a writ in the nature of mandamus to issue directions to the respondent commission to revise the final result and include the name and roll no of the petitioner in the final result as the petitioner is fully eligible to be included in the final result as per cut off in BC-A category.”*
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Further it is also prayed that during the pendency of the present writ petition, the joining of the selected candidates be stayed and operation of the impugned Final result (Annexure P-8) may kindly be stayed and name and roll no of the petitioner be included in the final result in view of the facts mentioned herein in the present writ petition.

- (iv) *Further prayer to issue direction to the respondent commission to produce the entire record concerned with Advt. 5/2019 affecting the petitioner relating to post of clerk.*
- (v) *Any other appropriate writ, order or direction which this Hon’ble Court may deem fit and proper in the peculiar facts and circumstances of the case in the interest of justice;”*

Keeping in view the facts and circumstances coupled with the prayer addressed, I do not find any ground what-so-ever to interfere in the factual matrix of the case. I also do not find any ground to interfere at the asking of learned counsel for the petitioner for adjudication regarding incorrect revision of the answer key by the Expert Committee. Such consideration and adjudication is clearly not within the ambit of this writ

petition where the grievance raised is of the petitioner having secured 66 marks and not 64.

Petition is accordingly dismissed.

26.02.2021

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No