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The petitioner had applied pursuant to the aforesaid advertisement and in pursuance thereof, the petitioner was issued an admit card. The petitioner appeared in the Preliminary Examination held on 26.04.2026. He further refers to the Note-I appended with the advertisement (Annexure P-1) and submits that the examination scheme clearly indicates that Paper-II (CSAT) was merely a qualifying paper for which the minimum qualifying marks prescribed were 33%. It is further stipulated in the advertisement that only the marks Paper-I (General Studies) would be taken into consideration for the purpose of preparation of merit and determination of eligibility for admission to the Main Examination. Consequently, the performance of the candidate in Paper-II was confined only to the extent of securing the minimum qualifying benchmark and the marks obtained therein were not liable to be counted for merit or selection purposes. The petitioner has been declared disqualified from appearing in the Main Written Examination scheduled to be conducted from 27.06.2026 to 29.06.2026. The roll number of the petitioner is not mentioned in the list. The petitioner has been disqualified on the ground that he has left more than 10% of the questions unanswered without darkening any of the prescribed options. Further, the petitioner made a representation to respondent No.2 to consider the candidature of the petitioner for his appearance in the Main Examination. The petitioner has approached this Court by way of filing CWP No.17058 of 2026 which was disposed of on 27.05.2026 to consider and decide the representation.

3. In purported compliance on 04.06.2026 vide Annexure P-5, respondent No.2 passed the impugned order dated 04.06.2026 (Annexure P-5),



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whereby, the claim of the petitioner came to be rejected. Learned counsel for the petitioner further submits that the stand taken by the respondents, as also the scheme of the advertisement, is self-contradictory. On the one hand, the respondent-Commission has categorically stipulated that the marks obtained in Paper-II (CSAT) would not be considered for preparation of merit and that the said paper is only qualifying in nature, requiring the candidates to secure the minimum qualifying benchmark of 33%. The petitioner has admittedly secured more than 33% marks in Paper-II (CSAT). As such, the reliance placed by the respondent-Commission on Note-I (vi)(c) is of no consequence. He further submits that the petitioner has secured more than 54% marks in Paper-I (General Studies) and, therefore, he is more meritorious than certain candidates who have secured lesser marks in the said paper but have been permitted to participate in the Main Written Examination.

4. On the other hand, learned counsel for the respondents submits that there is a clear-cut stipulation in the advertisement. He refers to Note-I at page 31 of the paper book and submits that any candidate who does not darken any of the five circles in more than 10% of the questions shall stand disqualified. He contends that the terms and conditions of the advertisement are sacrosanct. The petitioner, having participated in the selection process with full knowledge of the said condition, he cannot now, after having been disqualified, be permitted to challenge the clause providing for disqualification on account of not darkening any option in more than 10% of the questions. He further submits that the issue is no longer *res integra*. A Division Bench of this Court in CWP No.11855 of 2024 titled as ***Sujata Vs. Haryana Public Service***



Commission and another decided on 10.07.2024, has considered the issue of disqualification on account of leaving questions unanswered in the OMR sheet and has upheld the validity of the clause providing for disqualification where a candidate fails to darken any of the five circles in more than 10% of the questions. As such, the present writ petition deserves to be dismissed.

5. Having heard learned counsel for the parties and upon perusal of the record with their able assistance, this Court is of the considered view that the issue involved in the present case is no longer *res integra*. A Division Bench of this Court, in **Sujata's case (supra)**, has already considered an identical issue and dismissed the writ petition filed by a candidate who had been disqualified on account of not darkening any of the five circles in more than 10% of the questions and observed the following:-

“8. *Taking of examination for the post of Civil Judge (Junior Division) in the cadre of Haryana Civil Services (Judicial Branch) pursuant to advertisement dated 01.01.2024 by petitioner is a matter of record as is the factum of her disqualification on account of her leaving 14 questions unattempted in her OMR sheet. Clause 9(A) of the advertisement reads as under:-*

"9(A) Preliminary Examination (for screening only).

(i) The Preliminary Examination shall be of objective type with multiple-choice questions as distinguished from the Main Written Examination which shall be of subjective/narrative type. The OMR Sheets (Answer Sheets) will be scanned by the Computer. So there is no provision of re-checking/re-evaluation of these OMR Sheets.

(ii) The question paper for Preliminary Examination shall be of two hours duration. It shall consist of 125 questions and each question shall carry 04 marks and for every wrong answer 0.8 mark i.e 20% or say 1/5th mark shall be deducted.



(iii) Each question shall have five options (A, B, C, D and E). If a candidate is attempting a question, he shall have to darken the appropriate circle A, B, C or D and if not attempting a question then, he shall have to darken 'E' Circle. If none of the five circles is darkened, one-fifth (0.8 mark) mark shall be deducted.

(iv) Any candidate not darkening any of the five circles in more than 10% questions (13 questions) shall be disqualified.

(v) The objective type questions with multiple-choice answers for the Preliminary Examination shall be from the syllabus for the Main Examination. The candidate shall be expected to have a general and basic over view of the main subjects and also the ability to answer questions on current events of national and international importance, Indian legal and constitutional history and governance. The candidate shall also be tested for his analytical skills, reasoning and aptitude. The standard of the questions shall be of Law Graduate level.

(vi) The object of the Preliminary Examination is to short list candidates for the Main Examination. No candidate shall be allowed to appear in the Main Examination unless he/she secures minimum 150 marks (read 100 marks for all reserved category candidates excluding EWS category) in the Preliminary Examination. The marks obtained in the Preliminary Examination shall not be counted towards final result. Candidates equal to 10 times the number of vacancies advertised, selected in order of their merit in the respective categories shall become eligible to sit in the Main Written Examination. However, this number shall be subject to variation. If two or more candidates at the last number (the number at the end) get the equal marks, then all of them shall be considered eligible to sit in the Main Written Examination, warranting the corresponding increase in the stipulated ratio."

9. It is specifically provided in Clause 9(A)(iv) that any candidate not darkening any of the five circles in more than 10% questions (13 questions) shall be disqualified. Admittedly, petitioner left 14 questions un-attempted thereby falling foul of Clause 9(A)(iv)



leading to her disqualification. As per representation dated 01.05.2024, it is the case of petitioner that it was due to circumstances beyond her control that she was unable to attempt the requisite number of questions and that a mercy chance should be afforded to her to take the mains examination by removing her name from the list of disqualified students. In the writ petition, petitioner seeks to challenge Clause 9(A)(iv), claiming it to be unconstitutional and ultra vires militating against the principle of fairness and equality enshrined in Article 14 of the Constitution of India. Admittedly, petitioner was very well aware of this Rule when she took the preliminary examination. Therefore, to say that she is entitled to challenge the same at a subsequent stage after having failed to achieve success in the selection process is unacceptable. It is a settled position of law that it is not open to a candidate to challenge the selection process after having participated in the same after being declared unsuccessful. There is merit in the argument raised by learned counsel for respondents that judgment of Hon'ble the Supreme Court in Dr. (Major) Meeta Sahai's case (supra) is not applicable in the given facts and circumstances because there is no misconstruction of the applicable Rules/Instructions leading to discriminating consequences, thus entitling the petitioner to file present writ petition. It is to be noted at this stage that in Dr. (Major) Meeta Sahai's case (supra) relevant Rule/Provision provided for work experience of the candidate on regular/contract basis in Government hospitals with a stipulation that work experience at Government hospital of the Government of Bihar only shall be counted. In the said case the candidate had the requisite work experience at the Government hospital in Bihar, run by the Central Government (Army Medical Core Hospital). It was thus held that it was only an erroneous interpretation of Rules which led to serious consequences for the candidate therein and the same cannot be a bar to challenge the selection process after having partaken in it.

10. In the present case, this is clearly not the scenario. Petitioner



*was admittedly very well aware of the Rule in question having taken another examination (ADA) wherein a similar provision was existing. Moreover, on one hand petitioner seeks a mercy chance and on the other is challenging the provision in question. It has been held by Hon'ble the Supreme Court that there is no scope of any sympathetic dispensations in selection matters. In case, there is a violation of any rule, provision or instructions, there can be no exemptions or relaxations in the absence of any specific provisions for the same. Reliance in this regard can be placed on judgment of Hon'ble the Supreme Court in **State of U.P. and others, (2019) 17 SCC 373,***

11. We also do not find any merit in the argument raised by learned counsel for petitioner that Clause 9(A)(iv) suffers from the vice of arbitrariness, unfairness or unreasonableness or does not have a rational nexus with the object to be achieved. It is succinctly explained by learned counsel for respondents that apart from maintaining the sanctity of selection, the candidate is put to test in a larger sphere which can be done only if a particular number of questions are attempted by the candidate. Merely because other States may not have such a provision/instruction, cannot be a ground to set aside the same.”

6. In view of the law laid down by the Division Bench in ***Sujata's case (supra)***, this Court finds no merit in the present writ petition. The impugned order does not suffer from any illegality or perversity warranting interference in exercise of the writ jurisdiction under Articles 226/227 of the Constitution of India. Accordingly, the present writ petition is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

23.06.2026

<i>Neha</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No