



2025:DHC:7093-DB



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

***Reserved on: 28.07.2025***  
***Pronounced on: 21.08.2025***

+ W.P.(C) 17595/2024 & CM APPL. 74873/2024  
DELHI SUBORDINATE SERVICES SELECTION BOARD  
AND ANR .....Petitioners

Through: Mr.S.K. Mishra, Adv  
versus

NIHARIKA PUHAN .....Respondent  
Through: Mr.Ritank Kumar, Adv

+ W.P.(C) 1282/2025 & CM APPL. 6328/2025 & 6330/2025  
KUSUM GUPTA .....Petitioner

Through: Mr.Anuj Aggarwal, Mr.Pradeep  
Kumar & Mr.Lovekesh  
Chauhan, Advs

versus

DELHI SUBORDINATE SERVICES SELECTION BOARD &  
ORS. ....Respondents

Through: Mrs.Avnish Ahlawat, SC for  
GNCTD (Services) with  
Mr.Nitesh Kumar Singh,  
Ms.Aliza Alam, Mr.Mohnish  
Sehrawat, Advs

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**HON'BLE MS. JUSTICE MADHU JAIN**

## **J U D G M E N T**

**NAVIN CHAWLA, J.**

1. These petitions have been filed by the petitioners, challenging the Order dated 05.08.2024 passed in O.A. No. 2517/2022, titled *Niharika Puhan v. Delhi Subordinate Services Selection Board &*



*Ors.* (in W.P. (C) 17595/2024), and the Order dated 06.12.2024 passed in O.A. No. 1832/2023, titled *Kusum Gupta v. Chairman Delhi Subordinate Services Selection Board & Ors.* (in W.P. (C) 1282/2025), by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal').

2. By the Impugned Order dated 05.08.2024 passed in O.A. No. 2517/2022, the O.A. filed by the respondent herein was allowed by the learned Tribunal, directing the petitioners to process the OMR answer sheet of the respondent for evaluation and, if found to meet the merit list and otherwise eligible, to grant consequential relief by issuing an offer of appointment.

3. In contrast, by the Order dated 06.12.2024 passed in O.A. No.1832/2023, the O.A. filed by the petitioner herein was dismissed.

4. In both these petitions, the question that arises for consideration before this Court is the effect of the candidate/respondent in W.P. (C) 17595/2024 and the petitioner in W.P. (C) 1282/2025, having marked/bubbled their Roll Numbers with an incorrect digit, while at the same time correctly mentioning their Roll Numbers in numerical form on the OMR sheet. It is for this reason that both these petitions are being considered by this common judgment.

5. To begin with, we shall first note the facts from which these two petitions arise.

**FACTS OF THE W.P.(C) 17595/2024: -**

6. The petitioners had issued an advertisement in 2017, *inter alia*, inviting applications for the post of Physical Education Teachers (Post



Code 90/17). The respondent applied for the said post and participated in the Tier-I Selection Process, that is, the written examination.

7. By a Notice No. F.No. 187/PET/DSSB/Int.Cell/2019-2020/2840-45 dated 04.06.2019, the respondent was declared disqualified in the examination. The notice, *inter alia*, states as under:

*“ 1. Whereas it is stated that all candidates who appeared in the examination held on 16/09/2018 for the post of Physical Education Teacher under Post Code-90/17 in Directorate of Education were given clear instructions on Question Booklet as well as on OMR answer sheet including the following directions:*

*a) The candidate must complete the details of Roll Number, Question Booklet No., etc., on the Answer-sheet and Answer-sheet No. on the space provided above in this Question Booklet, I before he/she actually start answering the questions, failing which Answer-sheet will not be evaluated and he/she will be awarded ‘Zero’ mark.*

*b) A machine will read the coded information in the OMR Answer sheet. In case the information is incomplete/ different from the information given in the application form, the candidature of such candidates will be treated as cancelled.*

*c) Valuation of answer sheet will be done on the computer. Candidate should not take any stray marks on the Answer Sheet, tamper with or mutilate it. Otherwise it will not be evaluated.*

*d) The appropriate circle should be shaded for Roll No., Question Booklet No. and Preference of Post Codes applied for etc. This should be done carefully because only the shaded circle is scanned.*

*2. It is further informed that the Board has*



*been following the automated system of reading Roll No. etc. on OMR answer sheet through scanner without any manual intervention. Further, the automated system/scanner did not identify the Roll No. on OMR answer sheet in respect of **One Hundred Sixty Eight (168)** candidates who appeared in the examination held on **16/09/2018** for the post of Physical Education Teacher under **Post Code-90/ 17** in Directorate of Education **due to wrong bubbling** of roll number in OMR answer sheet by the respective candidates. Hence, their question booklet/OMR Answer sheets could not be evaluated as per details given below;*

.....”

8. The respondent sought a copy of the OMR Sheet under the Right to Information Act, 2005 (in short, ‘RTI Act’), through an application dated 08.08.2019. The request was, however, rejected. Subsequently, upon an appeal filed by the respondent, and through a reply dated 13.10.2021, she was provided a copy of the OMR Sheet, which revealed that although she had correctly mentioned her Roll Number in digits, it had been incorrectly depicted in the bubbling.

9. Claiming that the OMR Sheet did not clearly show the darkened bubble, while the Roll Number in digits was correctly mentioned, the respondent filed the above O.A. before the learned Tribunal on or around September 2022.

10. As noted hereinabove, the learned Tribunal, by its Impugned Order, allowed the O.A. filed by the respondent, primarily placing reliance on the Judgment of this Court in **Staff Selection Commission v. Kritika Raj**, 2016:DHC:4142-DB.



**FACTS OF THE W.P.(C) 1282/2025: -**

11. As far as this Writ Petition is concerned, the respondent no.1 had issued an Advertisement No. 04/2017 dated 20.12.2017 inviting applications, *inter alia*, for the Post of TGT Special Education Teachers (Post Code 87/17) in the Directorate of Education, Government of NCT of Delhi. The petitioner applied for the said post and participated in the Tier-I Written Examination.

12. It is the case of the petitioner that the question paper and the OMR Sheet at the centre where she appeared for the written examination, were distributed with a delay of 40 minutes to all the candidates. She claims that though the candidates were given an extra 30 minutes, on account of the above delay, mental agony and disturbance of mental peace was caused to the petitioner.

13. Herein itself, we may note that the above submission of the petitioner was disputed by the respondents, and the learned Tribunal has not returned any finding on the same. We shall, therefore, proceed on the basis that the petitioner was unable to prove her above contention.

14. The respondent no.1 issued the result on 14.09.2018, whereby the petitioner was informed that she had been shortlisted for the aforesaid post and was called upon to upload the e-dossier. The petitioner claims to have complied with the requisition, however, in the final result declared on 28.02.2019, her name did not appear in the list of 136 candidates selected against 542 unreserved vacancies. Another list, also dated 28.02.2019, was issued by the respondent no. 1 containing the names of candidates rejected for one reason or



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another, however, the petitioner claims that her name or Roll Number was not mentioned in that list either.

15. The petitioner, therefore, filed an application dated 02.03.2019 seeking reasons for the omission of her name from both lists. She claims that on 05.03.2019, the respondent no. 1 informed her that her candidature had been rejected on the ground of incorrect bubbling of her Roll Number in the OMR Sheet. She further claims that it was only on 06.03.2019 that the respondent no. 1 uploaded another rejection list/Notice No. 357 dated 28.02.2019, in which her Roll Number was included at Sr. No. 67 among the candidates whose candidature had been rejected.

16. The petitioner, *vide* her application dated 07.03.2019, sought a copy of her OMR Sheet under the RTI Act, 2005, but by a reply dated 12.04.2019, she was informed that the copy of the OMR Sheet cannot be supplied to her.

17. Aggrieved thereby, she filed an O.A., being O.A. No.1890/2019, before the learned Tribunal.

18. During the pendency of the said O.A., the petitioner was supplied a copy of the OMR Sheet under the RTI Act, 2005, by the respondent no.1. The O.A. filed by the petitioner was, therefore, withdrawn on 25.05.2023, with liberty to file a comprehensive O.A. before the learned Tribunal.

19. The petitioner then filed the O.A. No.1832/2023 on 13.06.2023, before the learned Tribunal.

20. As noted hereinabove, the learned Tribunal, by the Impugned Order, dismissed the same, observing that the instructions on the



OMR Sheet, in the examination booklet, and in the advertisement, repeatedly warned the candidates to be careful while bubbling the OMR Sheet, and that the respondent no.1 could cancel the result in case of any discrepancy. The candidates were cautioned that if the Roll Number or the question booklet series number was wrongly filled or any entry left blank, the OMR Sheet would not be evaluated. Despite these instructions, the petitioner wrongly filled her Roll Number, which mistake, according to the learned Tribunal, could not be considered minor in nature.

21. The learned Tribunal further held that if such mistakes were to be condoned and ignored, it would lead to a situation where there would be no end to such issues in the examination/selection process.

**SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES: -**

22. The learned counsel for DSSSB and the Government of NCT of Delhi submits that the instructions issued to the candidates were clear and specific, namely, that they must exercise due care while bubbling their Roll Numbers, Test Paper Numbers, and other details in their OMR sheets, and that any mistake committed therein would lead to the rejection of their candidature. It is submitted that, therefore, the candidatures of the candidates in question were rightly rejected by the department. In support of their submissions, reliance is placed on the Judgment of the Supreme Court in *Union of India & Ors. v. Mahendra Singh*, 2022 SCC OnLine SC 909; the Judgments of this Court in *Union Public Service Commission v. Kalpana Ved*, 2024



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SCC OnLine Del 7804; *Sandeep Kumar Yadav v. Union of India & Ors.*, 2018 SCC OnLine Del 7764; and *Roshan Lal v. Union of India & Anr.*, 2012 SCC OnLine Del 5145.

23. Mr. N.K. Singh, the learned counsel, further submits that there were 97 candidates whose results were cancelled solely due to a mistake in bubbling their Roll Numbers. Granting relief to the candidate herein, it is urged, would be discriminatory towards them. In any case, the entire result cannot be reopened for what is admittedly the fault of the candidate alone.

24. On the other hand, the learned counsel for the candidates submits that, as far as W.P. (C) 1282/2025 is concerned, the OMR sheet of the candidate had been duly checked by the department and the result had even been declared. It was only thereafter that the candidature of the candidate was cancelled on the above ground of incorrect bubbling of the Roll Numbers.

25. It is further submitted that, as the Roll Number had also been correctly written in numerical form, and there were other parameters such as the test paper number and the barcode, which were sufficient to identify the candidate and also to correlate the candidate with the OMR sheet, the incorrect bubbling of the Roll Numbers in the OMR sheet was only a minor mistake, which should not have resulted in the cancellation of the candidature of such candidates.

26. They further submit that the OMR sheet was also countersigned by the invigilators, who also did not point out any discrepancy in the bubbling of the Roll Numbers. Reliance is placed on the Judgments of this Court in *Staff Selection Commission & Ors. v. Darpan Sharma*,





2024 SCC OnLine Del 8280; *Staff Selection Commission v. Kritika Raj*, 2016:DHC:4142-DB; *Union of India & Ors. v. Vinay Kumar*, 2024:DHC:2625-DB; and the Judgment of the High Court of Punjab and Haryana in *Rohit Kumar v. Union of India & Anr.*, 2012 SCC OnLine P&H 12933.

27. The learned counsel for the candidates submits that the relief granted in *Darpan Sharma* (supra), was confined only to those candidates who had approached the Court, and therefore, the plea of the department that the result would have to be reopened is without merit.

28. In rejoinder, the learned counsel for the department submits that the Judgment in *Kritika Raj* (supra), has no application to the facts of the present case, inasmuch as therein, the candidate had already cleared the Tier-I and Tier-II examinations, and it was only in the qualifying examination that a mistake was committed. It was in those special circumstances that the Court granted relief to the candidate.

29. They further submit that in *Darpan Sharma* (supra), there was no breach of any instructions by the candidate, and therefore, the said judgment will have no application.

30. As regards *Vinay Kumar* (supra), it is contended that the mistake therein was in writing the Roll Number in the numerical form and not in the bubbling, and therefore, again, the said judgment would have no application to the facts of the present case.

**ANALYSIS AND FINDINGS: -**

31. We have considered the submissions made by the learned counsel for the parties.



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32. As far as the W.P.(C) 17595/2024 is concerned, the relevant conditions in the question booklet as well as in the OMR Sheet, specifically that the appropriate circles should be shaded for the Roll Number, question booklet number, and the preference of the post code applied for, and that only the shaded circles are scanned, because of which the candidature of such candidates may not be evaluated and they would be awarded zero marks, have been reproduced in the Rejection Notice dated 04.06.2019. We, therefore, do not consider it necessary to reproduce them once again.

33. As far as W.P.(C) 1282/2025 is concerned, the learned Tribunal itself has noted that, at Point No.5 of the question booklet under the heading “*Important Instruction to candidates*”, the candidates were warned that they must complete the details of the Roll Number, Question Booklet Number, etc., on the OMR Sheet before beginning to answer the question, failing which the answer sheet would not be evaluated and the candidate would be awarded zero mark. Point No.14 of the Question Booklet provided an illustration of the correct method of shading, and Point No.16 specifically stated as under:

*“A machine will read the coded information in the OMR Answer Sheet. In case, the information is incomplete/different from the information given in the application form, the candidature of such candidate will be treated as cancelled.”*

34. Even the OMR Sheet, under the title “*Instruction for Candidates*”, again provides an illustration of the correct mode of shading.



35. Therefore, in both the petitions, the candidates had been adequately warned that they must take care while shading/bubbling, *inter alia*, their Roll Number. It is now admitted that the respondent no.1 in W.P.(C) 17595/2024 and the petitioner in W.P.(C) 1282/2025, despite such warnings, committed a mistake in shading/bubbling their Roll Number in the OMR Sheet. The question before this Court is to determine the effect thereof.

36. In ***Darpan Sharma*** (supra), a Coordinate Bench of this Court was considering a case where the respondent had qualified the Tier-I Examination and appeared in Paper-I of the Tier-II examination. The candidates were required to fill-in the “*Test Form Number*” in both, the Attendance Sheet and the OMR Sheet, and were also required to darken the bubbles corresponding to the appropriate digits. The OMR Sheet had the Test Form Number printed on the upper left corner of the form. The respondent therein omitted to blacken /darken the appropriate bubbles for the Test Form Number in his OMR Sheet, as a result of which his Paper I was not evaluated. The respondent therein, however, did not commit such a mistake in Paper-II of the Tier-II examination, which was therefore evaluated. As Paper-I in the Tier-II was not evaluated, the respondent could not meet the cut-off marks and was not called for the interview. The Court, placing reliance on the Judgment of the Andhra Pradesh High Court in ***The Union of India Ministry of Personnel, Public Grievances & pensions North Block, New Delhi, rep. by its Secretary & 2 Others v. Guduru Raja Surya Praveen S/o G. Venkateswara Rao & Anr.***, 2015 SCC OnLine Hyd 437, held that the above mistake of the respondent was a



condonable lapse, and the authorities could not refuse to evaluate the respondent's answer sheet for that reason. The Court observed that the Special Leave Petition against the judgment of the High Court of Andhra Pradesh had been dismissed by the Supreme Court on 30.07.2019, and since the error committed by the petitioner before the High Court of Andhra Pradesh and the respondent before this Court was the same, the respondent therein was entitled to a similar relief. The Court further observed that the Test Form Number was specifically noted on the OMR Sheet and, therefore, it was not as if the same was not available thereon. The Court also noted that, at the foot of the answer sheet, the Invigilators were also required to sign. As candidates undertaking such examinations are often in a state of heightened tension and may commit silly errors, a duty is cast on the Invigilator to verify that all the details in the answer sheet have been correctly filled in, in order to avoid silly errors being made by such candidates. We quote from the Judgment as under:

*“21. The first is that the error committed by the respondent was only with respect to not blackening the digits referring to the Test Form Number. We find that the Test Form Number i.e. TQ 1144135 is specifically noted on the top left corner of the OMR sheet. It is not, therefore, as though the Test Form Number was not available on the OMR sheet, even though, the respondent, as Mr. Khatana candidly concedes, did commit a mistake in not blackening the same number in the place provided in the OMR sheet.*

*22. The second circumstance, to which Mr. Khatana draws our attention, is a Note, at the foot of the answer sheet which require the Invigilator who signs the attendance sheet to first verify that all details have been correctly*



*filled in. This is obviously in recognition of the fact that candidates who undertake such examinations are in a state of heightened tension and may commit silly errors, as was committed by the respondent before us. The duty, cast on the Invigilator to verify that all details in the answer sheet had been correctly filled in case, quite obviously, is to avoid the possibility of silly errors coming into view of her dispassionate evaluation of the merit of the concerned candidate.”*

37. We have referred to the above judgment in some detail, only for the reason that like in the present case, although the conditions in the Notice Inviting applications for the CGLE 2015 had warned the candidates that they should write and code their Roll Number etc. fully and correctly and that improper/incomplete coding of these details will not be evaluated, the Court held that the authorities could not refuse to evaluate the answer sheet. The Court laid special emphasis on the OMR sheet also being signed by the Invigilators and the fact that it bore the Test Form Number, which would have been sufficient to identify the candidate.

38. In W.P.(C) 1282/2025 also, though the OMR Sheet had warned the candidates that in case of wrong bubbling of *inter alia* their Roll Number, the OMR Sheet would not be evaluated and they would be awarded zero marks, the OMR Sheet of the petitioner was evaluated despite her having wrongly bubbled her Roll Number. She was also declared successful in the examination and was called upon to upload her e-dossier. The mistake committed by the respondents, therefore, did not result in her being awarded zero marks at that stage, nor did it



result in her OMR Sheet not being evaluated. It was only later that she was declared rejected due to the above mistake.

39. In addition to the above, just as in *Darpan Sharma* (supra), the OMR Sheet of the respondent has also been signed by the Invigilator.

40. In *Vinay Kumar* (supra), another Division Bench of this Court was confronted with a case where the candidate had failed to write the complete Roll Number on his answer sheet for Paper-II of the Tier-II recruitment examination. The Court found that the lapse on the part of the candidate was insignificant, as he could be easily identified from the ticket number written on the very same answer sheet, where he had merely missed writing the last digit of his Roll Number. The mistake was, therefore, trivial and *bona fide*, and could not be a ground to reject his candidature.

41. In *Kritika Raj* (supra), another Division Bench of this Court was confronted with a case where, on the basis of the performance of the respondent therein in the Tier-I and Tier-II examinations as also the interview, she had participated in the Computer Proficiency Test ('CP Test'), which was only qualifying in nature. She was declared selected for the post of Assistant in the Central Civil Services. However, her result was later cancelled by awarding her zero marks in the Power Point (Module-III) in the CP Test, as she had incorrectly filled up her Roll Number. The Court held that, while in a given situation, writing an incorrect Roll Number may have different consequences, however, in the said case, the error was inconsequential and immaterial inasmuch as: (i) the name of the candidate was not mentioned on the Slide Test (Module-III); (ii) the correct Roll Number



was mentioned and recorded in Module-1 and II conducted simultaneously; (iii) there was no scope for debate about the identity of the candidate; (iv) no confusion or inconvenience was caused; and (v) the CP Test was merely qualifying in nature. In these circumstances, her candidature could not have been rejected. The above judgment was upheld by the Supreme Court by dismissing the SLP being SLP (C) No.CC 25206/2016, titled as ***Staff Selection Commission v. Kritika Raj***, vide Order dated 20.01.2017.

42. In W.P.(C) 1282/2025 as well, since the result of the petitioner was declared despite her having made a mistake in bubbling her Roll Number, we are of the view that she should not have been denied the fruits of her selection.

43. As we would note herein below, in case the OMR Sheet of the petitioner had not been examined, the position may have been different. However, having examined the OMR Sheet, the respondents cannot now plead that the computer could not read it due to the incorrect bubbling of the Roll Number.

44. In ***Kalpna Ved*** (supra), the Court was considering a case where the candidate had not applied online. The Court held that, therefore, the application submitted only in offline mode was rightly not considered by the UPSC.

45. In ***Mehendra Singh*** (supra), the Supreme Court was considering a condition stipulating that the candidate must answer the question paper in the language in which he/she had applied for the post. The Court held that the above condition was essential and ruled out any dispute in respect of the identity of the candidate, as the same



could be verified from the two handwritings. The Court, therefore, held that where the advertisement contemplated the manner of filling the application form and also of attempting the answer sheet, it had to be done in the prescribed manner; and where the candidate had used a different language, such a deviation would disentitle the candidate from being considered eligible.

46. While the above principle, in our view, would also apply to the incorrect bubbling of the Roll Number in the OMR Sheet, in the facts of the present case, where such an error did not result in the OMR Sheet not being evaluated, different consequences would follow. However, in W.P.(C) 17595/2024, where the OMR sheet of the petitioner was not evaluated, these judgments would squarely apply to deny her the relief.

47. We may herein also note that the learned counsel for the respondents has submitted that in WP(C) 1282/2025, there were 98 candidates who were declared disqualified due to the mistake in bubbling their Roll Number.

48. While in normal circumstances, we would have directed the respondents to consider their case as well, however, having taken note of the fact that these candidates had been declared as disqualified *vide* notice issued on 28.02.2019 (05.03.2019) and that such candidates have not challenged the same, and following the *interim* order passed by the Supreme Court in ***Guduru Raja Surya Praveen*** (supra) as also the judgment of this Court in ***Darpan Sharma*** (supra), we would confine the relief only to the petitioner in W.P.(C) 1282/2025, that is, Ms.Kusum Gupta. However, in case any other O.A. or Writ Petition is





pending on a similar issue, or involves a similar challenge by a candidate rejected in the same selection process due to the incorrect bubbling of his/her Roll Number, similar relief shall also be extended to such candidates.

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.

52. Though the rejection of the respondent’s candidature was declared on 04.06.2019, and she was eventually supplied with her OMR Sheet on 13.10.2021 pursuant to her application under the RTI Act, 2005, she filed her O.A. before the learned Tribunal only in September 2022. The same was, therefore, filed after a considerable delay of almost one year.



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53. In the above circumstances, the respondent, that is, Ms.Niharika Puhan, could not have been extended the benefit of the above-referred judgments, which we have relied upon while extending relief to Ms. Kusum Gupta. In her case, granting such relief would result in reopening the result of the examination after a considerable delay, as her OMR sheet would now have to be evaluated and the result redrawn to accommodate her.

54. As held by the Supreme Court in *Ran Vijay v. State of Uttar Pradesh*, (2018) 2 SCC 357, sympathy or compassion cannot play any role in deciding whether or not to direct re-evaluation of the Answer Sheet.

55. In view of the above, the Impugned Order dated 05.08.2024 passed by the learned Tribunal in O.A. No.2517/2022 is set aside, and W.P. (C) 17595/2024 is allowed.

56. The Impugned Order dated 06.12.2024 passed in O.A. No.1832/2023 is also set aside, and W.P.(C) 1282/2025 is allowed with a direction that the respondents shall issue an appointment letter to the petitioner therein, namely, Ms.Kusum Gupta, for the post of TGT Special Education Teacher with the respondent nos.2 and 3, if she is otherwise eligible and found successful in the examination process conducted pursuant to the Advertisement No. 04/17. In case of appointment, the petitioner shall be entitled to claim notional seniority and other benefits; however, she shall not be entitled to actual pay or other allowances till the date of her appointment. The above exercise must be completed by the respondent no.1 within a period of eight weeks from today.



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57. Both the petitions are disposed of in the above terms. The pending applications are also disposed of as being infructuous.

**NAVIN CHAWLA, J**

**MADHU JAIN, J**

**August 21, 2025/rv/Arya/DG**