

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.7158 OF 2019
(Arising out of SLP(C)No.16110/2017)

J&K BOARD OF PROFESSIONAL ENTRANCE
EXAMINATION & ORS. ... APPELLANT(S)

VS.

PANKAJ SHARMA & ANR. ... RESPONDENT(S)

O R D E R

Leave granted.

The present appeal arises from order dated 16.2.2017 passed in LPAOW No.45/2015, by which the High Court has awarded total compensation of Rs.62,500/- (Rupees Sixty Two Thousand Five Hundred) to Respondent No.1.

The Respondent was a candidate for admission to the Post Graduate Degree course. The entrance examination was to be held in the OMR answer sheet format. The candidates were cautioned in the instructions to fill in the details properly, failing which their candidature was likely to be affected, claims for re-evaluation or otherwise would not be entertained. These were incorporated in the form of instructions in the General Information and Instructions of Information Brochure. The respondent wrongly filled in the OMR answer sheet as relating to 'A' series of question paper instead of 'B'

series. Consequently, the answer sheet was checked on the basis of the key answers of question booklet series 'A', leading to award of 34 marks only.

We have heard learned counsel for the parties.

It is difficult for us to uphold the order of the High Court on the reasoning that though, the initial mistake was on the part of the respondent, the Invigilator at the Examination Hall and the Deputy Superintendent of the Examination Centre ought to have pointed out the error to the respondent so as to facilitate correction by him, on account of which lapse the respondent had suffered.

The OMR answer sheets are checked by scanning. No manual process was involved. The candidates had been cautioned in advance. Once the High Court arrived at the conclusion that the respondent was initially at fault, the impugned order automatically become unsustainable.

Consequently, the impugned order is set aside and the appeal is allowed. Pending applications shall stand disposed of.

.....J.
[NAVIN SINHA]

.....J.
[B.R. GAVAI]

New Delhi;
11th September, 2019.

ITEM NO.53

COURT NO.12

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).16110/2017

(Arising out of impugned final judgment and order dated 16-02-2017
in LPAOW No.45/2015 passed by the High Court Of J & K At Jammu)

J&k BOARD OF PROFESSIONAL ENTRANCE
EXAMINATION & ORS.

Petitioner(s)

VERSUS

PANKAJ SHARMA & ANR.

Respondent(s)

Date : 11-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. G.M. Kawoosa,Adv.
Mr. M. Shoeb Alam,AOR

For Respondent(s) Mr. P.D. Sharma,AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Sarita Purohit)
AR-cum-PS

(Indu Kumari Pokhriyal)
Assistant Registrar

(Signed order is placed on the file)