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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 6409/2016

Date of decision : 24th May, 2017

RAMAN KUMAR AND ORS

..... Petitioners

Through: Mr.Anuj Aggarwal, Ms.Deboshree
Mukherjee, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr.Anurag Ahluwalia, CGSC for R-1 to
3 with Mr.Brajesh Kr. Central Govt. Pleader.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

SANJIV KHANNA, J. (Oral)

1. The petitioners, 15 in number, had applied for selection to the posts of Constable (GD) in the Central Armed Police Forces (CAPFs, for short) and Rifleman (GD) in Assam Rifles, in the recruitment process initiated in 2013.
2. After clearing the Physical Standard Test and the Physical Efficiency Test the petitioners had appeared for the written examination held on 12th May, 2013. The petitioners were informed that they had cleared the written examination vide result issued by the by the Staff Selection Commission

(SSC, for short) on 28th November, 2013. The write-up accompanying the results had stipulated:-

“10. The list is **PROVISIONAL**. The candidates whose roll numbers figure in the list would be called for Medical Examination subject to their fulfilling all the eligibility conditions/requirements and also subject to thorough verifications of their identity with reference to their photographs, signatures, handwriting, etc. on the application forms, admission certificates, etc. If on verification from the application form, it is found that any candidate does not fulfil any of the eligibility conditions, he will not be eligible to appear for the Medical Examination. The Commission causes (sic.) further verification of details in the OMR sheets of the candidates and also undertakes post examination/post result analysis of OMR sheets to detect incidence of malpractice...”

3. Medical examination of the qualified candidates was held between January-March, 2014.

4. Deputy Director of the SSC (Central Region), vide letter dated 20th October, 2014 forwarded dossiers of 188 candidates, including the petitioners herein, to the Force Headquarters, Shashtra Seema Bal (FHQ, SSB). This letter records the following:-

“3. Detail scrutiny of the dossier of the candidates has not been done therefore all certificate/testimonials attached with the dossier with reference to essential qualification, caste certificate, domicile certificate, identity verification of the candidates at all the stages of exam etc., may please be verified/checked from the originals and completing all other formalities in

accordance with instruction/guideline contained in DOPT OM No. 9/23/71 Estt (D) dated 06-June-1978 and OM No. 35015/2/93-Estt(Res) dated 09-Aug-1995 before issuing offer of appointments.

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7. *IT HAS BEEN OBSERVED DURING GENERAL SCRUTINY OF LEFT THUMB IMPRESSION AND SIGNATURE OF THE CANDIDATES THAT THERE ARE SOME VARIATIONS AT DIFFERENT STAGES OF EXAMINATION. THE COMMISSION HAS DECIDED THAT THOROUGH SCRUTINY WILL BE DONE BY CAPF. IT IS, THEREFORE, REQUESTED THAT THE SAME MAY BE VERIFIED BY GETTING SPECIMENT HANDWRITING AND LEFT THUMB IMPRESSION (LTI) OF CANDIDATES BY GIVING THEM REASONABLE OPPORTUNITY BY ISSUING SHOW CAUSE NOTICE AND THE CANDIDATURE MAY BE CANCELLED IF VARIATION IS ESTABLISHED. WHEREEVER REQUIRED THE OPINION OF EXPERTS LIKE CFSL/GEQD MAY BE TAKEN AT YOUR END.*

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9. *Offer of appointment to the candidates forwarded through this letter should be issued at the earliest possible so that the candidates need not have to wait for unduly long period and also the vacancies in question are filled expeditiously.”*

5. On examination and scrutiny of signatures, names of mother, handwriting, photographs etc, mismatch and discrepancies were noticed in the case of as many as 187 candidates. To resolve the issue, a Board under the Chairmanship of the Deputy Inspector General, along with two other

members, was set up to conduct further detailed verification and scrutiny.

This Board, in order to verify and ascertain the truth, took the following steps:-

“The following steps are to be checked/verified/matched by the board in respect of the candidates:

- i. Photograph, Left Thumb Impression (LTI), signature, writing and declaration furnished by the candidates in own handwriting on application form filled up through offline mode.*
- ii. Photograph, Left Thumb (LTI), writing and information available on the documents i.e. Admit Card/ OMR Sheets/Question Booklet/Declaration forms etc.*
- iii. Photograph, signature, Left Thumb Impression (LTI) and handwriting available in attendance sheet of written examination, PST/PET, MET attendance sheet, DME/RME attendance sheet and declaration form.*
- iv. Attendance sheet bearing photograph collected by the invigilators from the candidate during the course of written examination wherein signatures of the candidates was also obtained.*
- v. Photo bearing Identity Proof such as driving license, voter card, aadhar card, etc. produced by the candidate at the time of written examination and the report of invigilator/centre supervisor.*
- vi. Certificate/reports if any, furnished by the invigilators/Centre Supervisor during written examination.*

After completion of enquiry the Board will submit a comprehensive report to Frontier Hqr, SSB, Lucknow for

further submission to FHQ, New Delhi so as to take a final decision on the selection of candidates in consultation with SSC.”

6. In the meanwhile, out of the list of 188 candidates, offers of appointment were issued to 78 candidates, including some of the petitioners, on 28th November, 2014 by Force Headquarters, SSB, New Delhi. The FHQ, SSB vide letter dated 12th January, 2015 informed the Chairman of the Board that the offers of appointment made earlier to 78 candidates on 28th November, 2014 stood cancelled and fresh offer of appointment would be issued after due consideration and scrutiny.

7. Feeling aggrieved, 42 of the 78 candidates filed writ petitions before the Allahabad High Court. These writ petitions were disposed of directing as under:-

“Sri Gyan Prakash, learned counsel appearing for the respondents agrees that at first instance the grievance of the petitioners can be considered and decided by the respondent no.4, the Deputy Inspector General, Recruit Training Centre SSB, Gorakhpur.

Accordingly, without going into the merits of the claim of the petitioner, it is hereby provided that the respondents no.4 shall decide the grievance of the petitioner, in accordance with law, preferably within a period of one month from the date of production of a certified copy of this order.

It is made clear that this Court has not examined the merits of the claim of the petitioner, which shall be looked by the respondent no.4 himself on its own merit without being influenced by this order.

This writ petition, is accordingly, disposed of. No order as to

costs.”

8. In compliance with the said directions, notice was issued to 188 candidates to appear before the Board with proof of identification and for obtaining right and left thumb impressions, handwriting and signature samples etc. Of the 188 candidates, 171 appeared on different dates and furnished the required particulars, i.e. right and left thumb impressions, handwriting and signature samples etc.

9. The Board obtained the dossiers and these, along with the specimen samples obtained were forwarded to the Director, Fingerprint Bureau, CID, Mahanagar, Vigyanpuri, Lucknow for matching of thumb impressions, signatures etc. This information and details were furnished and given to the candidates who had approached the Allahabad High Court. Some of them were aggrieved and filed contempt petitions. These contempt petitions were dismissed and notice discharged recording that the order passed in the writ petition had been complied with. The action and steps taken by the respondents were affirmed.

10. The Director, Fingerprint Bureau after examination of specimen thumb impression samples with the thumb impressions in the dossiers of 171 candidates, submitted his report to the Board. On the basis of the report

of the Fingerprint Bureau, the Board submitted their enquiry report dated 15th February, 2016, the gist of which is as under:-

No. Of candidates who appeared before the Board	Recommended that “Candidature may be canceled”	Recommended to issue offer of appointment	Further examination by handwriting expert required	Absent candidates
171 candidates	125 candidates	08 candidates	38 candidates	17 candidates
TOTAL CANDIDATES = 188				

11. On the basis of the aforesaid report, candidature of 125 candidates was cancelled by the Competent Authority. The dossiers were returned to the SSC, Allahabad for taking appropriate action. The cancelled candidates were informed vide letter dated 6th May, 2016 that the Ministry of Home Affairs had earlier issued a notice dated 8th May, 2015. The cancellation was in accordance with point VII in the application form which mentioned that the candidature could be cancelled if ineligibility is determined before or after the examination.

12. Twelve out of the fifteen petitioners fall in the list of the 125 in whose case discrepancies were found. In three cases, the Board on the basis of the Fingerprint Bureau report had recommended examination by a handwriting expert. Details of these 12 petitioners along with the findings of the Fingerprint Bureau are as under:-

S.N	Roll No.	Name of candidate	Father's Name	Documents deposited at Finger Print Bureau, CID Lucknow for examination	Details of report regarding documents in question examined with sample of candidates	Remarks	Recommendation of the Board .
05	3205504010	Munna Kumar Sharma	Sh.Bhagwan Sharma	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6- Candidates statement of PET DQ-7-Candidate statement of MET.	DQ-1 matched DQ-2 matched DQ-3 Not matched DQ-4 matched DQ-5 Not matched DQ-6 matched DQ-7 matched	Thumb impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of recruitment mismatched with thumb impression of candidate.	Candidature may be cancelled.

6	3206501894	Vikash Kumar	Sh.Sriram Singh	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6- Candidates statement of PET DQ-7-Candidate statement of MET.	DQ-1 matched DQ-2 matched DQ-3 not matched DQ-4 matched DQ-5 notmatched DQ-6 matched DQ-7 matched	Thumb impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of recruitment mismatched with thumb impression of candidate.	Candidature may be cancelled.
7	3206043021	Raman Kumar	Sh.Teja Narayan Singh	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6- Candidates statement of PET DQ-7-Candidate statement of MET.	DQ-1 matched. DQ-2 not clear for matching with LTI and also not matched with RTI sample. DQ-3 not matched. DQ-4 not clear for matching with LTI and also not matched with RTI sample. DQ-5 notmatched DQ-6 matched DQ-7 not clear for matching with LTI and also not matched with RTI sample.	Thumb impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of recruitment mismatched with sample of LTI of candidate.	Candidature may be cancelled
16	3205522516	Shashi Kumar	Sh.Janeshwar Sharma	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit	DQ-1 matched. DQ-2 matched. DQ-3 mismatched. DQ-4 matched. DQ-5 mismatched. DQ-6 matched DQ-7 matched.	Thumb impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of	Candidature may be cancelled.

				card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6-Candidates statement of PET DQ-7-Candidate statement of MET.		recruitment mismatched with thumb impressiion of candidate.	
18.	3201526413	Praveen Kumar	Sh.Nitya nand Singh	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6-Candidates statement of PET DQ-7-Candidate statement of MET.	DQ-1 not clear for matching with LTI and RTI. DQ-2 not clear for matching with LTI and also not matched with RTI. DQ-3 mismatched. DQ-4 not clear for matching with LTI and also not matched with RTI. DQ-5 mismatched DQ-6 not clear for matching with LTI and also not matched with RTI. DQ-7 not clear for matching with LTI and also not matched with RTI.	Thumb impression of candidate given inOMR sheet (DQ-5) at the time of recruitment mismatched with sample of LTI of candidate.	Candidature may be cancelled.
19.	3206005551	Harindra Tiwari	Sh.Jagar Nath	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit	DQ-1 not clear for matching with LTI & RTI.. DQ-2 not clear for matching with LTI and also not matched with RTI. DQ-3 mismatched. DQ-4 not clear	Thumb impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of recruitment mismatched with thumb	Candidature may be cancelled.

				Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6- Candidates statement of PET DQ-7-Candidate statement of MET.	for matching with LTI and also not matched with RTI. DQ-5 mismatched. DQ-6 not clear for matching with LTI and also not matched with RTI. DQ-7 not clear for matching with LTI and also not matched with RTI.	impression of candidate.	
35.	3206516512	Manish Kumar	Sh.Ranjit Singh	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6- Candidates statement of PET DQ-7-Candidate statement of MET.	DQ-1 matched. DQ-2 matched. DQ-3 mismatched. DQ-4 matched. DQ-5 mismatched DQ-6 impression not clear for matching with LTI and not matched with RTI. DQ-7 matched.	Thumb impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of recruitment mismatched with thumb impression of candidate.	Candidature may be cancelled.
52.	3201526039	Sashikant Singh	Sh.Hirda Nand Yadav	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of	DQ-1 impression not clear for matching with LTI and mismatched with RTI. DQ-2 matched. DQ-3 mismatched. DQ-4 impression not clear for matching with LTI and RTI. DQ-5	Thumb impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of recruitment mismatched with sample of LTI of candidate.	Candidature may be cancelled.

				OMR Sheet DQ-6- Candidates statement of PET DQ-7-Candidate statement of MET.	mismatched. DQ-6 matched DQ-7 not clear for matching with LTI and also not matched with RTI sample.		
3	3201511586	Suman Kumar Saurav	ShManoj Mehta	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6- Candidates statement of PET DQ-7-Candidate statement of MET.	DQ-1 matched. DQ-2 matched. DQ-3 matched. DQ-4 Mismatched. DQ-5 mismatched. DQ-6 matched DQ-7 matched.	Thumb impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of recruitment mismatched with thumb impression of candidate.	Candidature may be cancelled.
07	3206018178	Gajendra Kumar Yadav	Sh.Vimal Prasad Yadav	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6- Candidates statement of PET DQ-7-Candidate statement of MET.	DQ-1 not clear for matching with LTI and not matched with RTI sample. DQ-2 matched. DQ-3 mismatched. DQ-4 not clear for matching with LTI and also not matched with RTI sample DQ-5 mismatched. DQ-6 matched. Q-7 not cleared for matching with LTI and also not matched with RTI sample.	Thumb impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of recruitment mismatched with sample of LTI of candidate.	Candidature may be cancelled.
04	3206518011	Avinash	Late	Sample of	DQ-1 matched.	Thumb	Candidature may

		Kumr	Umakant Saw	Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6- Candidates statement of PET DQ-7-Candidate statement of MET.	DQ-2 matched. DQ-3 mismatched. DQ-4 matched. DQ-5 mismatched. DQ-6 matched. Q-7 matched.	impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of recruitment mismatched with sample of LTI of candidate.	be cancelled.
05	3206040009	Santosh Kumar	Guddu Prasad Singh	Sample of Finger Print Impression DQ-1- Application Form DQ-2-Admit card of PET/PST DQ-3-Admit card of written exam. DQ-4-Admit Card of Medical exam. DQ-5-Copy of OMR Sheet DQ-6- Candidates statement of PET DQ-7-Candidate statement of MET.	DQ-1 matched.. DQ-2 matched. DQ-3 matched. DQ-4 mismatched. DQ-5 mismatched. DQ-6 matched. Q-7 matched.	Thumb impression of candidate given in admit card of written exam (DQ-3) & OMR sheet (DQ-5) at the time of recruitment mismatched with sample of LTI of candidate.	Candidature may be cancelled.

13. We do not think that the twelve petitioners whose fingerprints have mismatched, in view of the aforesaid findings, are entitled to any relief. The table/chart quoted above clearly records that the specimen thumb

impressions given by the said petitioners did not match with the thumb impressions on the admit cards for the written examination and the OMR sheets. These, it is observed, are cases of impersonation which have to be dealt with strictly without any concession or sympathy.

14. In case of petitioner Nos. 4, 5 and 9- i.e. Ramnivas Yadav, Ashok Kumar Poddar and Kanhaiya Kumar, respectively- the Fingerprint Bureau opined that further enquiry was required. Their samples were sent to a handwriting expert for verification. The respondents have stated that the handwriting expert's report is against the said petitioners. The respondents have, therefore, cancelled their candidature as well and informed the said petitioners. It is open to the petitioners to challenge their cancellation in accordance with law.

15. In these circumstances, we do not find any merit in the present writ petition and the same is dismissed, while giving liberty to the petitioner nos.4, 5 and 9 to challenge the order of cancellation, if they deem appropriate, in separate writ petitions. The said liberty has been granted as the order of rejection has been communicated to them after filing of the present petition. The writ petitions are accordingly disposed of, without any order as to costs.

SANJIV KHANNA, J

NAVIN CHAWLA, J

MAY 24, 2017
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