

Court No. - 34

Case :- WRIT - A No. - 20133 of 2023

Petitioner :- Vakil Kumar Gupta

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Seemant Singh

Counsel for Respondent :- A.S.G.I.

Hon'ble Ajit Kumar,J.

Sri Dinesh Varun, learned Advocate has put in appearance on behalf of the respondents by filing vakalatnama, which is taken on record.

Petitioner, who has been applicant against the post of Constable (GD) pursuant to the selection held by the respondent in the year 2018 has not been offered appointment on account of signature of the petitioner upon the computer based test and left thumb impression have been found to be suspected one as per the dossier obtained from the inquiry conducted by the respondent.

Learned counsel for the petitioner has argued that it appears that some technical inquiry has been conducted in the matter and decision has been taken upon expert opinion but he had not been offered opportunity to rebut such reports and raised objections in that regard. He submits that law is well settled that cancellation of candidature of a candidate or consequent debarment, cannot be done without affording opportunity to such candidate in the light of the law laid down in the case of **Ran Vijay Singh and 34 others v. Union of India and others** passed in Writ - A No.- 2813 of 2017 which has been found to be approved by a Division Bench of this Court in the case of **Vijay Pal and others v. Union of India and others: 2023 LawSuit (All) 762**.

It is also submitted that this authority of Division Bench still holds the field and it has not been challenged or reversed by the higher Court.

Learned counsel for the respondents could not dispute the above legal and factual aspect.

In view of the above, this petition stands disposed of with a direction that petitioner shall be accorded due opportunity to raise

his objections and to meet the report in the light of the law laid down by this Court in the case of Raj Vijay Singh (*supra*).

The decision already taken by the authority shall abide by fresh decision to be taken by the authority as directed hereinabove in the light of the law laid down and the directions issued hereinabove.

Order Date :- 5.12.2023

Atmesh