

HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.739 of 2024

1. Sri Dipak Das

S/o Sri Rasamoy Das, resident of Santi Para, P.O. Kamalghat, P.S. Lefunga, Sub-division: Mohampur, District: West Tripura, Pin 799210 Roll No.5601003441

2. Sri Nengya Mog

S/o. Sri Athai Mog, resident of 78 Alloy Chandra Mog Para, Sal Thang Manu, Subdivision:Santir Bazar, Bogafa, VTC: Sal Thang Manu, P.S. Santir Bazar, P.O. Manpathar, District: South Tripura, Pin-799144 Roll No. 5601000441

....Petitioner(s)

Versus

1. The Union of India

represented by the Secretary of the Ministry of Home Affairs, Govt. of India, New Delhi, 1.

2. The Staff Selection Commission,

represented by the Chairman, Block No. 12 CGO Complex Lodhi Road, New Delhi, 03.

3. The Regional Director,

Staff Selection Commission, Guwahati, Assam, House fed Complex, Dispur, Ghy - 6.

4. The Director General,

Border Security Force, Block No. 10 CGO Complex Lodhi Road, New Delhi, 03.

5. The Director General,

Sashatra Seema Bal, 5- 6, Vivekananda Marg, East Block, R.K. Puram, New Delhi, 22.

6. The Director General,

Central Reserve Police Force, (Recruitment) East Block-07, Level-4, Sector-01, R.K. Puram, New Delhi, 66.

7. The Director General,

Indo Tibetan Border Police, Block No. IV, CGO Complex Lodhi Road, New Delhi, 03.

8. The Director General,

Central Industrial Security Force, Block No. 13 CGO Complex Lodhi Road, New Delhi, 03.

9. The Director General,

Assam Rifles, Nongrimmaw, Laitumukhrah, Goraline, Shillong, Meghalaya, 11.

10.The Director,

Central Forensic Science Laboratory, Lodhi Road, Block 4, CGO Complex, New Delhi, 110003.

....Respondent(s)

For the Petitioner(s) : Mr. S. Chakraborty, Advocate

Mr. J. Majumder, Advocate

For the Respondent(s) : Mr. T. Chakraborty, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

13/01/2025

Heard Mr. S. Chakraborty, learned counsel along with Mr. J. Majumder, learned counsel appearing for the petitioners. Also heard Mr. T. Chakraborty, learned counsel appearing for the respondents no.1, 4, 5, 6, 7 and 8.

It is alleged in the writ petition that due to delay in biometric verification, the results of the petitioners have been withheld. The petitioners are awaiting for the results of the selection process to which they participated.

Mr. Chakraborty, learned counsel for the respondents has submitted that he seeks 2(two) weeks' time to file reply.

Considering the nature of the case, I have taken up the matter and in my opinion this matter may be disposed of without objection. The order which I am going to pass will not affect any of the parties since similar kinds of orders were already passed by the Kerala High Court and the Gauhati High Court.

After perusal of the records enclosed to the writ petition, it comes to fore that similar cases have already been filed in various High Courts alleging similar delay or withholding of results of some of the candidates participated in the selection process. In the case of **Udayakumar K. vs. Union of India and Ors.** passed in **WP(C) No.12732 of 2021**, the Kerala High Court had passed the following order:

"2. The apprehension of the petitioners is that, after having successfully come out through all the stages of tests, their appointment is delayed due to the issue relating to the biometric system. According to the petitioners, the respondents have even collected sufficient materials for further cross verification. According to the learned Counsel for the petitioners, the persons, who got selected along with the petitioners regarding whose biometrics there were no issues, have already commenced training and have undergone substantial part of it. It seems that almost every possible steps have been taken to ensure and confirm the identity of the candidates. It is true that the respondents need a confirmation in the biometric process also. However, that alone cannot stand in the way of the petitioners losing their chance.

3. The learned CGC opposing the application contended that, the FSL report is still awaited and the respondents have to wait till the Forensic Reports are announced. The learned CGC further contended that the petitioners if selected, are ultimately expected to carry out the internal operations and even at the border sensitive areas. Hence, the appointing authority cannot take the chance of any error in identification, will be too risky for the establishment.

4. In the above circumstances, there will be a direction to respondents to expedite the Forensic Examination and to address the laboratory to send the Forensic Reports at the earliest. Pending the above, respondents shall forthwith initiate process for issuing appointment orders to each of the petitioners finally selected. The petitioners shall produce individual notarised affidavits wherein, each shall confirm his / her identity and affix the signature and thumb impression, with reference to their approved records like Aadhar Card or Passport or Driving License. They shall affirm that in case of any impersonation leading to their removal from the Forces, they will accept it and return all the monetary or other benefits which they have received, unconditionally. They shall report at the time and place as directed in the call letter. Respondents shall cross check all requisite documents. After satisfactory confirmation, they shall be appointed provisionally, subject to FSL Report. The entire process shall be completed by the respondents at the earliest.”

Following the same order, the Gauhati High Court in the case of **Sanjib Bharti and 16 Ors. vs. Union of India and Ors.** in **WP(C) No.5984 of 2023** had passed similar order out of the same ongoing selection process under order dated 01.02.2024.

Having perused the orders passed by the Kerala High Court and the Gauhati High Court relating to the ongoing selection process for various posts under the respondents, I find no reason to take a different view and totally endorse the views taken by the Kerala High Court and Gauhati High Court in the case of **Udayakumar(supra)** and **Sanjib Bharti(supra)** respectively.

As a sequel, I direct the respondents to issue appointment orders provisionally in favour of the petitioners subject to confirmation of the biometrics verification and the FSL reports. The petitioners shall report to the authorities concerned in terms of the appointment orders. If any irregularity or any malpractice is found, then, it would be prerogative of the respondents to dismiss the petitioners and in that case, the petitioners shall be liable to refund all the benefits they would receive out of their provisional appointments unconditionally.

However, there shall be liberty reserved with the petitioners to approach the Court if they are aggrieved of any orders passed by the respondents.

Accordingly, the instant writ petition stands allowed to the extent as indicate above and thus, disposed of.

JUDGE