

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2354 of 2015

=====

Jeevan Deep Kumar, son of Shri Rakesh Kumar, resident of village - Gadha Bahram, P.O. and P.S. Paroo, District - Muzaffarpur

.... Petitioner/s

Versus

1. The Union of India through the Chairman, East Central Railway, Polson Complex, Digha Ghat, Patna
2. The Chairman, the East Central Railway
3. The Railway Recruitment Cell, The East Central Railway, Polson Complex, Digha Ghat, Patna, Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Mahesh Prasad

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 06-05-2016

The order dated 11th April, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna in O.A.No. 501 of 2012 is the subject matter of challenge in the present writ petition. The Tribunal has upheld the action of the respondents of cancelling the candidature of the petitioner and to debar him for future appointment on account of impersonation established against the petitioner.

The petitioner was a candidate for appointment to Group-D post in response to a notification published by the Railway Recruitment Cell, East Central Railway, Digha Ghat. Patna, Bihar. The petitioner was successful both in physical efficiency test and



written examination. The petitioner appeared before the Railway Recruitment Cell for verification of his documents as well. In spite of all such steps the petitioner was not appointed. Therefore, he approached the Administrative Tribunal by preferring O.A. No. 501 of 2012.

The stand of the respondents was that during the course of verification of documents, the petitioner was screened by the nominated committee as a suspected case of impersonation because of Left Thumb Impression (LTI) of the candidate taken during the verification of the documents was not matching with that taken on attendance sheet on the date of written examination. The relevant papers were referred to the Finger Print Expert for opinion who has opined that LTI available on the attendance sheet taken during the written examination on 16th October, 2011 and the LTI taken during verification of the documents are different. It was also found that in the OMR sheet, i.e. Optical Mark Reader sheet, there is cutting and rewriting of the whole paragraph. After rejection of his candidature, a notice for debarment was served upon the petitioner and then a decision was taken to debar him for life time from appearing in any examination to be conducted by Railways.

We do not find any irregularity in the order passed by the learned Tribunal. The petitioner has been found to be impersonating

in the process of selection. There is over-writing on the OMR sheet and LTI on the attendance sheet at the time of verification of documents did not tally. In such circumstances, the action taken by the Railways cannot be said to be illegal, arbitrary and unwarranted.

This writ petition is dismissed accordingly.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

mrl.

U			
---	--	--	--