

\$~16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5606/2015, CM No. 10102/2015
RAJVEER SINGH Petitioner

Through: Mr. Anil Singal, Adv.
versus

UNION OF INDIA & ORS.

..... Respondent
Through: Mr. J.K. Singh, SC with Mr. Praveen
Kumar, Adv. for UOI
SI Puneet, PS Sarai Rohilla

CORAM:
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **07.11.2016**

W.P.(C) 5606/2015

1. The petitioner is an applicant for the post of Constable in the Railway Protection Force.
2. Pursuant to an employment notice No.01/2011, the petitioner applied for the post of Constable in the Railway Protection Force.
3. In terms of the Employment Notice, applications were to be submitted by the respective candidates in their own handwriting. The applications were not only required to be signed, by the candidates, but their finger print/thumb impression was also required to be affixed to the application.
4. The petitioner applied for appointment in the requisite format in his own handwriting. He also put his thumb impression in the square meant for the thumb impression of the candidate.

5. Pursuant to the application, the petitioner was called for written test. The petitioner had to put his thumb impression on the attendance sheet relating to the written test, which he did. Thereafter, the petitioner was called for a Physical Endurance Test (PET). During the PET also, the petitioner was required to put his thumb impression in the attendance sheet.

6. After the Physical Endurance Test, the petitioner was also called for an interview. The petitioner was however, not allowed to appear in the interview on the ground of discrepancies in the thumb impression of the petitioner, on the application form and his thumb impressions on the two attendance sheets and a police complaint was lodged against the petitioner.

7. The different thumb impressions, given by the petitioner at different places, were referred for examination to the Finger Print Bureau of the Delhi Police. The report of the Director, Finger Print Bureau, Delhi Police revealed that the questioned thumb impression was partial faint and smudged and did not disclose sufficient number of ridge details in its relative positions for comparison and was therefore, incapable of comparison. The Director opined that no opinion could be given regarding the questioned print.

8. This Court on consideration of the report of the Director, Finger Print Bureau of the Delhi Police found, at least, prima facie, that the said report cannot be said to be adverse to the petitioner. It was at best inconclusive. The conclusion of the concerned authorities that the thumb impression on the application was of some other person was based on unfounded suspicion. Pursuant to the order dated 22nd September, 2016 of this court whereby, this Court directed that the thumb impression be referred to the Central Forensic

Science Laboratory, Rohini for fresh examination, a report has been submitted by the Forensic Science Laboratory, Government of NCT of Delhi, Rohini. The report reveals that the thumb impression was partial, faint and smudged and did not disclose sufficient number of ridge details in its relative positions for comparison. Hence, it was incapable of comparison and no opinion can be given regarding the questioned print. The examination report of the Forensic Science Laboratory, Rohini is also not conclusive. The Assistant Chemical Examiner of the Forensic Science Laboratory however, opined that the signatures given in the different attendance sheets were similar and same.

9. In view of different reports of finger print experts, which are inconclusive and in view of the opinion of the Jr. Forensic/Asstt. Chemical Examiner of the Forensic Science Laboratory that the signatures in the different attendance sheets were the same, in our view, the petitioner ought not to have been disallowed to participate in the interview, and more so, since the authorities concerned had, notwithstanding irregularities if any, in the thumb impression/finger print in the application form, proceeded on the basis of the application and called the petitioner for the written test and the Physical Endurance Test.

10. The writ petition is disposed of by directing the respondent authorities to hold an interview for the petitioner within six weeks from the date of communication of this order. In the event, the petitioner succeeds and in the event, the petitioner is otherwise, found eligible in medical examination etc, the petitioner shall be given appointment in accordance with law.

CM No. 10102/2015

Dismissed as infructuous.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

NOVEMBER 07, 2016/ak