

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.14519 of 2017

Date of Decision: August 04, 2017

Rajesh Kumar

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Jasbir Mor, Advocate, for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

Mr. K.K. Gupta, Advocate, for respondent no.4.

Amol Rattan Singh, J. (Oral)

The contention of the learned counsel for the petitioner, as already recorded in the order dated 02.08.2017, is that the comparison of thumb impressions taken at the time of the candidates applying for and appearing in the HTET/STET, is not done either by the Board of School Education, Haryana, or even actually by the respondent-Commission at the time when such candidates appear for consideration in a selection process by the Commission.

Mr. Doon, learned counsel for the Commission, submits that as regards the finger printing done at the stage of the HTET/STET, that is not referable to the Commission, as it is a process to be adopted by the Board of School Education itself.

Thus, once the result of the HTET/STET is annexed by a candidate at the time for consideration for appointment to any particular post advertised by the Commission, the result declared by the Board is accepted by the Commission *ipso facto* without even any further reference to the Board in that regard.

As regards the selection process itself for any post advertised by the Commission, as already noticed in the order on the last date of hearing, the stand of the Commission is to the effect that the comparison of thumb impressions/finger prints is done at the time of the interviews conducted by the Commission.

The contention of the learned counsel for the petitioner, on the other hand, is that firstly, there is no firm proof of the person who has applied for the examination (HTET/STET) being the same person who actually took the examination and secondly, as regards the stage of selection in any selection process, since the finger prints/thumb impressions comparison is done only at the time of the interviews, no person as has not been called for the interview, would ever be part of the selection process at the stage of the interview, even if a candidate appearing for the interview is found to be an impersonator on the ground that his finger prints given at the time of interview do not match with the finger prints taken on the application form or at the time of the written examination, as the case may be.

The contention of the learned counsel for the petitioner is found to be rational by this Court and it is consequently directed that as

regards the ongoing process for selection to the posts in question and for all such process in which interviews have still not been held by the Commission, the process of comparison of finger prints/thumb impressions shall be done with the data base of all those who have cleared the HTET/STET, such data base to be supplied by the Board of School Education, Haryana, to the Commission, within a period of two weeks.

Obviously, only the data base as regards the candidates who had appeared in such HTET/STET, the results of which are still valid, would be sent to the Commission by the Board.

Thereafter, the Commission, upon receiving the finger prints data base/thumb impressions data from the Board, would compare the thumb impressions available on its own data base, uploaded from the applications submitted by the candidates who had applied for the posts in question.

Consequently, if there is any impersonation found, obviously at the first stage notice would have to be issued to the candidates, who, as per the Commission, are found to have been impersonators, and in the meanwhile, if the Commission wishes to proceed with the process of selection, it would call for interviews those candidates, as are not found to “have been impersonated”, the numbers of candidates called being to the extent as is the norm which is adopted by the Commission.

The directions be carried out within two weeks, as aforesaid.

The directions issued in the present case, to repeat, shall be adopted by the Commission in all future examinations/selection processes

also. If the Commission faces any difficulty in implementing the directions for any valid reason, it would obviously be at liberty to file an appropriate application giving such reasons.

The respondent-Board of School Education, Haryana, is also directed to ensure that comparison of thumb prints/finger prints is duly carried out before declaring any result in the future of the Haryana Teachers Eligibility Test or any other exam conducted in respect of which such finger printing is undertaken/done by the Board.

Disposed of in the above terms.

August 04, 2017		(Amol Rattan Singh)
vegarg		Judge
Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	