

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.9638 of 2017 (O&M)

Date of decision: 01.06.2017

Parminder Kaur

... Petitioner

VS.

Union of India & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vishal Gupta, Advocate, for the petitioner.

Mr. Chander Mohan Sharma, Advocate, for respondent No.1.

Mr. Vipin Mahajan, Advocate, for respondent No.2, 3 & 5.

Mr. Aayush Gupta, Advocate, for respondent No.4.

RAJIV NARAIN RAINA, J.(ORAL)

CM No.8264-2017

Allowed as prayed. Reply filed on behalf of R-4 is taken on record subject to all just exceptions.

CWP No.9638 of 2017

1. Challenge in this writ petition is to the refusal to admit the petitioner to write the test conducted by respondent No.4 – IBPS for recruitment of Manager Law (MMGS-II) in the respondent Syndicate Bank.

2. The petitioner applied for the post of Manager Law (MMGS-II) in the Syndicate Bank by submitting her application form online. She appeared for the test at the centre designated by IBPS. She had spent about one hour attempting the examination when of a sudden she was asked to rise. She was ushered to a separate room and was not allowed to leave. The invigilator suspected that there was impersonation since her signatures did

not match the one on the application form. They stopped her from completing the examination midway. As a result, she has been denied consideration in the selection process. She has approached this Court for suitable directions as deemed fit by the Court to order a re-conduct of the examination stating that the signatures were genuine.

3. The record has been brought in sealed cover as per directions. It has been opened in Court by the Bench Secretary. The documents produced in Court contain online application form in the original. The signatures of the petitioner are digital. Scanned copy of the last sheet of online application form, which bears petitioner's digital signature, is placed below:

Recruitment of Specialist Officers in The Various Verticals/ Scales -2016-2017

Page 3 of 3

Name of the Employer	Designation	Total Period of Service FromTo	Nature of Duties	Remark Reason of leaving	Years of Service (YY/MM/DD)
Presently working?	YES				
VIRHAJ GUPTA	ADVOCATE	13/08/2014 - 27/02/2017	DRIFTING PLEADINGS ARGUMENTS		24/08/14

Total Experience in months : 28

Other Details :

Language(s) Known	Read	Write	Speak
ENGLISH	YES	YES	YES
PUNJABI	YES	YES	YES
HINDI	YES	YES	YES

Declaration:
I hereby declare that all the statements made in this application are True, Complete and Correct to the best of my knowledge and belief. I understand that in the event of any information being found untrue or incorrect at any stage or I am not satisfying any of the eligibility criteria stipulated, and also in case of creating influence/undue pressure regarding recruitment shall tantamount to cancellation of my candidature.

Date: 12-03-2017

Signature of Applicant

4. The second document produced in Court is the Attendance List for the Recruitment of Specialist Officers in the various Verticals/Scales

2016-17. The date of the test was 28.04.2017. Reporting time was 9.00 AM in ION Digital Zone IDZ Chandigarh, Plot No.28, Industrial Area Phase 1, above HDFC Bank, Chandigarh. The test was for 2 hours duration.

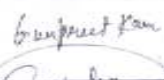
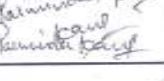
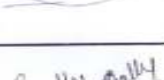
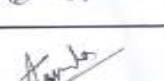
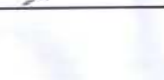
5. The petitioner cleared her biometrics to enter the examination centre. She was allotted a computer system to answer the questions as the test was conducted online. The petitioner – Parminder Kaur signed on the left block of the attendance list. It has been circled with red pen with the remarks “signed mismatched paper stopped”. Thereupon, the invigilator asked the petitioner to sign more than at one place close to each other in the right block of the attendance list. She has signed thrice over as bid. The scanned copy of the same is placed below for ready reference:



Session : MORNING
Venue : ION DIGITAL ZONE IDZ CHANDIGARH PLOT NO. 28 INDUSTRIAL AREA PHASE 1 ABOVE HDFC BANK CHANDIGARH CHANDIGARH 160002 (11009)

SYNDICATE BANK
ATTENDANCE LIST
RECRUITMENT OF SPECIALIST OFFICERS IN THE VARIOUS VERTICALS/SCALES 2016-17
Date of Test : 28th APRIL 2017. (Friday)
Time : 09:00 AM.
SYNDICATE/RO(SPL)/4596

Judge
Page No: 7
11/01/17

Sl.No	Reg.No	Roll No	Name	DOB	Category / PH / Scribe / Post	Photo	Signature	Thumb Impression	Signature (In presence of Invigilator)
31	172021579	1901090022	GURPREET KAUR	15/08/89	MANAGER (LAW) NMCS-II				
32	172023350	1901090024	PARMINDER KAUR	14/03/93	MANAGER (LAW) NMCS-II				
33	172024714	1901090027	AKANISHA YADAV	03/11/82	MANAGER (LAW) NMCS-II				
34	172030875	1901090040	SHALVI	11/03/85	MANAGER (LAW) NMCS-II				
35	172006394	1901090151	SHRIVANSHI GOMALA	04/02/90	MANAGER (LAW) NMCS-II				

INVIGILATOR'S NAME : SANJAY KUMAR HOTA

INVIGILATOR'S SIGNATURE : 

6. I have matched these two documents where the petitioner owns up to the signatures at all five places. Mr. Vipin Mahajan and the counsel of the IBPS have taken look at them. Photocopies of the documents are retained on record as Mark 'A' and 'B'. The originals are returned together

with the opened envelop to the counsel of IBPS. I have also matched the signatures on the online application form and the attendance list with the signatures on the Vakalatnama and verification clause of the petition and they do not give rise to any suspicion even to the naked eye. Minor variation in signatures are not unknown in stressful situations that examinations create with increase in heartbeat and which are not the same in the composure of filling an application form at home long before the test date. I have no reason to disbelieve the petitioner that she was the candidate in person appearing on the date of test and there was no impersonation. The action of the invigilator appears to have been erroneous and the decision is taken blindly and rashly has caused immense damage to the petitioner.

7. Accordingly, the mala fide action would have to suffer amends at the hands of IBPS by restitution of candidature and giving an opportunity to the petitioner to re-enter the competition. The petitioner was wrongly not allowed to appear for the online test for the entire duration on the basis of mere suspicion which was unfounded. In the circumstances, would she not be entitled to any relief from the Court? I do not think so. The only way out I can think of to cure the injustice done to the petitioner in such an off-hand manner is to order a re-conduct online examination at the same level at which other candidates were tested. Since the test was online with no evidence or trace left of the questions except personal to IBPS she was unfortunately deprived from attempting, the respondents may then consider testing the petitioner from where she was unlawfully stopped if feasible or to hold a fresh test.

8. The respondents would have to formulate steps to achieve the directions of this Court with regard to fresh or balance test and the same is

directed to be held within 15 days from the date of receipt of certified copy of the order. Justice has to be seen to be served by resorting to extraordinary measures in an extraordinary situation created by the examiners and for no fault of the candidate. I find no other way to restore the status quo ante and make the present and future restorative and effective to enable the petitioner to re-enter the fray of selection and grant equal opportunity to compete on merits.

9. The test has to be held by respondent IBPS. The Bank and the IBPS will tie up to complete the task successfully.

10. Without going into any details, it may be noted from the pleadings that at the time when the petitioner was thrown out of gear one person, namely, Ms. Teena Singh, Senior Manager (HR)/representing respondent No.5 was present at the examination centre on behalf of the Bank. The alleged mismatch of the signatures of petitioner's bearing Roll No.1901090024 was noticed by Ms. Teena Singh, but the final decision was taken by respondent No.4 – IBPS, whose representative was Ms. Shivali, a TCS representative, an outsourcing agency of IBPS to help it in its task of selection, who took the decision to non-suit the petitioner from the examination hall was an ill-conceived action hurriedly barring the petitioner from appearing for the rest of the examination.

11. If there was reasonable doubt they could have easily allowed the petitioner to sit for the rest of test and then could have taken action as deemed fit by associating the petitioner to verify the signatures after withholding her result. If that was done the would have been no occasion for holding the test afresh. Irreparable damage could have been prevented if someone present had applied his mind prudently. The action of the

respondents has been most unfair in this case which deserves to be deprecated. It puts serious doubt on the selection process when such a thing could happen.

12. Accordingly, this writ petition is allowed. The impugned actions are quashed. The single person re-conduct of the examination will be held as directed above. The Syndicate Bank will send a requisition to respondent No.4 – IBPS within a period of one week and thereafter, IBPS will intimate the time, date and venue of the examination and thereafter re-conduct the examination for single person within a period of three weeks. Needless to say, if the petitioner is successful she would be offered appointment and take her seniority from her batch with all benefits.

(RAJIV NARAIN RAINA)
JUDGE

01.06.2017
sonia/Vimal

1. Whether speaking/non-speaking?	Yes
2. Whether reportable?	No