

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9854/2017 & C.M.40098/2017 & C.M. 40099/2017**

RAVI KAUSHIK

..... Petitioner

Through: Mr. Sanjeev Goel, Ms. Sharda Jha
& Mr. Shireen Kapoor, Advocates

Versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Pramod Tiwari, Advocate for
Mr. S.D. Wirdesh, Advocates for respondent
No.1-UIO

Mr. Rajat Arora, Advocate for respondent No.2

Mr. Rajesh Kumar & Mr. Gaurav Kumar Singh,
Advocates for respondent No.3-Canara Bank

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

08.11.2017

1. Petitioner, in this petition, is aggrieved of withholding of his appointment as CWE- Clerk (VI) by Institute of Banking Personnel Selection solely on the ground of discrepancy in biometric verification.

2. Learned counsel for petitioner submits that petitioner had sent an e-mail on 21st August, 2017 (*Annexure P-10*) vide which he had inquired as to how much time would it take to resolve the issue of discrepancy in biometric verification and it was followed by reminder of 19th September, 2017 (*Annexure P-12*), but to no avail. Attention of this Court is drawn by petitioner's counsel to a List of 12th September, 2017 (*Annexure P-11*)

pertaining to candidates whose results were not processed earlier for want of documents, to highlight that petitioner's case is unduly delayed, whereas other similarly placed candidates, whose joining was withheld, have been made to join. It is submitted by petitioner's counsel that select list would lapse on 31st March, 2018 and so, respondent No.3- *Canara Bank* ought to expeditiously take a call in petitioner's case.

3. Learned Counsel for respondent No.3- *Canara Bank* submits that petitioner's specimen signatures and handwriting have been sent to Forensic Science Laboratory (FSL), Hyderabad and result is awaited and thereafter, petitioner will be apprised about outcome of biometric verification.

4. During the course of hearing, learned counsel for petitioner apprised this Court that petitioner had tried to ascertain as to why there was a discrepancy in biometric verification and upon medical examination, it has now transpired that petitioner is suffering from *eczematous dermatitis* and this information could not be divulged to respondent- Bank because this fact was recently discovered on 13th October, 2017.

5. Petitioner ought to have disclosed the aforesaid information to respondent No.3-*Canara Bank* but in the facts and circumstances of this case, petitioner is now permitted to do so, by making a concise and comprehensive Representation along with medical proof to respondent No.3- *Canara Bank* within three working days. If FSL, Hyderabad has received the specimen handwriting and signatures of petitioner for comparison with the questioned handwriting and signatures, then the said process be expedited and its result be conveyed to respondent-Bank,

preferably within three weeks of receipt of this order. Let a reminder be sent to FSL, Hyderabad by respondent No.3- *Canara Bank* along with a copy of this order to ensure its compliance. Respondent No.3-*Canara Bank*, within three weeks of receipt of report from FSL Hyderabad *in respect of handwriting and signatures of petitioner*, shall take the decision on petitioner's Representation and convey it to petitioner within a week thereafter, so that petitioner may avail of the remedies, as available in law, if need be.

6. With aforesaid directions, this petition and the applications are disposed of.

7. Copy of this order be given *dasti* to counsel representing both the sides.

SUNIL GAUR
(JUDGE)

NOVEMBER 08, 2017

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