

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6904 of 2018

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Vinod Kumar S/o Shri Baldeo Prasad R/o Mohalla Mangal Talab, Harijan Niwas,
Patna City, Distt. Patna.

.... Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur.
2. The Deputy Chief Personnel Officer (Recruitment), Railway Recruitment Cell, Palson Complex, East Central Railway, Digha, Ghat, Patna - 11.
3. The Assistant Personnel Officer, Railway Recruitment Cell, Digha, Ghat, Patna - 11.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Railways : Mr. Amaresh Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 04-05-2018

Heard counsel for the petitioner and the Railways.

The order under challenge is dated 07.09.2017 passed in
O.A. No. 295 of 2013 by the Central Administrative Tribunal, Patna
Bench Patna.

The petitioner filed the O.A. application seeking following
reliefs:

*“(8.1) That Your Lordships may graciously be
pleased to direct/command the respondents to issue*



letter for medical test and offer of appointment letter in favour of the applicant also in favour of the applicant henceforth against Group D post like the other co-examiners with all consequential benefits including arrears of salary and seniority from the date other co-examiners who have been given appointment.

(8.2) That in case if any adverse order has been issued, the same may be quashed and set aside.

(8.3) Any other relief or reliefs including the cost of the proceeding may be allowed in favour of the applicant.

(8.4) That Your Lordships may graciously be pleased to quash and set aside the impugned order dated 04.10.13 as contained in Annexure A/5 whereby the applicant has been debarred from obtaining any service in Railway and from appearing in examination conducted by Railways. [The relief no. 4 was subsequently added through amendment allowed vide order dated 28.12.2016 in M.A. 334 of 2016].”

Grievance of the petitioner was that he appeared in the examination conducted for the employment under the Railways and he was a successful candidate in the written test, physical efficiency test etc. on a Group-D post. However, rest of the similarly selected candidates were sent for medical fitness test whereas his case was not recommended.

He filed several representations making a prayer therein.



The Railways authority after considerable lapse of time, communicated to him about the rejection of his representation and also passed an order debarring the petitioner from participation in any examination for employment in Railways for life.

Before the Tribunal, a detailed counter affidavit has been filed by the Railways from where, it emerges that the petitioner used an imposter to sit for the examination and, therefore, had committed fraud and cheating in the exercise carried out for such appointment.

From the narration of the impugned order, it emerges that though the finger print expert could not give decisive opinion with regard to the thumb impression but the Government Examiner of Questioned Documents verified the signature and handwriting samples of the petitioner along with the answer-sheets and he had given a decisive opinion that two handwritings did not match.

The Tribunal was correct in not interfering with the O.A. for the reason that the Tribunal or the Court cannot sit in appeal over the decision and opinion of the experts unless some other opinion was brought on record to belie or demolish the opinion given by the expert. Nothing of that kind is available. In view of the same, this Court will not interfere with the impugned order of the Central Administrative Tribunal nor will it be taken into the controversy whether the opinion of the Government Examiner of questioned



documents is correct or incorrect especially when it is loaded against the petitioner.

Writ has not merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2018
Transmission Date	NA

