

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM-17056-2017 and
CWP-24155-2016

Date of Decision: 13.11.2018

Mohit

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

PRESENT: Mr. M.L. Verma, Advocate for
Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Parveen Chander Goyal, Advocate for the respondents.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has challenged the judgment dated 29.4.2016 (Annexure P-2) passed by respondent No.3-Central Administrative Tribunal, Chandigarh Bench (in short “the Tribunal”) vide which the Original Application (OA) filed by the petitioner was rejected.

2. Put shortly, the facts necessary for adjudication of the instant petition as narrated therein may be noticed. The respondents had published employment notification dated 30.12.2013 in the Employment News dated 11-17 January, 2014 to fill up 5679 posts of Group-D in Railways. In response thereto, the petitioner applied online and got an e-admit card for appearing in the written examination. The petitioner appeared in the written

test and was declared qualified by the respondents. After that, the petitioner appeared for Physical Efficiency test (PET) and was also declared qualified in the PET. Thereafter, he was directed to appear on 27.7.2015 at Divisional Railway Manager Office, Northern Railways, Moradabad (UP) for document verification and he got his documents verified on the said date. However, the respondents rejected the candidature of the petitioner by observing that 'the documents expert had tendered his opinion/advice to the effect that the writing/signatures on the application, OMR sheet, document verification proforma etc. do not match.' Accordingly, the petitioner filed OA dated 9.3.2016 (Annexure P-1) before the Tribunal against his candidature. The Tribunal vide order dated 29.4.2016 (Annexure P-2) dismissed the said OA. Hence, the present writ petition.

3. After hearing learned counsel for the parties and perusing the original record produced by learned counsel for the respondents, we do not find any merit in the writ petition.

4. The candidature of the petitioner was rejected due to mis-match of the signature/handwriting on the application form and OMR sheet. The petitioner alleged to have violated the examination condition requiring him to fill the application form including the paragraph indicated in the application in his own handwriting and it was a case of impersonation. Moreover, the Tribunal while rejecting the claim of the petitioner relied upon the judgments of the Co-ordinate Bench in **OA-2356-2014 (Devinder Kumar v. The General Manager, Northern Railway)** decided on 27.7.2015 and **OA-4143-2013 (Pradeep Kumar v. UOI and others)** decided on 22.12.2015, wherein the similar relief was rejected.

5. Learned counsel for the petitioner was unable to dispel the

findings of fact that there was mismatch of the signatures/handwriting on the application form and OMR Sheet, thus, there was impersonation. The summoned original record was perused which substantiates the aforesaid conclusion. Accordingly, no illegality or perversity could be pointed out by the learned counsel for the petitioner in the view taken by the Tribunal which may warrant interference by this Court. Consequently, finding no merit in the writ petition, the same is hereby dismissed. CM-17056-2017 filed under Order 1 Rule 10 of the Code of Civil Procedure for deletion of respondent No.1 from the array of the respondents is rendered infructuous and is disposed of as such.

6. The original record be returned to the learned counsel for the respondents against proper receipt.

(AJAY KUMAR MITTAL)
JUDGE

November 13, 2018
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No