

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

LPA No.61 of 2016 (O & M)

Date of Decision: 13.09.2018

Jaivir

.....Appellant

Versus

Union of India & Ors.

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Rajinder Goyal, Advocate for the Appellant.

Mr. Namit Kumar, Advocate for the Respondents.

SUDIP AHLUWALIA, J.

This Intra-court Appeal is directed against the Order of Ld. Single Judge passed in CWP No.339 of 2016 on 11.1.2016.

2. The Appellant had filed the Writ Petition in which, he had sought quashing of the Order dated 23.12.2015 passed by Respondent No.3 (Annexure P-12), vide which his candidature after he had been provisionally selected as Sorting Assistant in RMS 'HR' Division, was cancelled in view of the report received from the C.F.S.L., Shimla that his purported signature on the Optical Mark Recognition (OMR) Sheet of the selection related examination taken by him did not match with his signatures on the Department of Post (DOP) Typing Test Evaluation Sheet as well as DOP Data Entry Evaluation Sheet.

3. The Ld. Single Judge therefore, dismissed the Writ Petition by observing-

“.....Since, the respondents had received the report from the expert that the signatures of the petitioner on data entry sheet and typing test did not

match with his signatures on OMR sheet, the respondents have rightly rejected the claim of the petitioner for appointment as Postal/Sorting Assistant. The respondents were further within their rights to order that the petitioner would have no right to claim the job of Postal/Sorting Assistant in RMS 'HR' Division in future. The impugned order does not suffer from vice of illegality and calls for no interference.”

4. We find no reason to take a different view of the matter. This is so because candidature of the Appellant was cancelled by Respondent No.3 on the basis of Handwriting Expert's report coming from CFSL Shimla, according to which the candidate's signatures on the OMR and the DOP Evaluation Sheet did not tally thereby clearly implying that at least one, if not both, of the persons who appeared at these Tests separately, was an imposter. It is not for the Court in its Writ jurisdiction to assume the role of a Super Expert over the Handwriting Expert's report coming from an official establishment. If the Appellant had any grievance against the Handwriting Expert's report as mentioned in Para 10 of his original Writ Petition, wherein he has described it as being based on 'conjectures and surmises', his remedy on such factual issues would clearly lie elsewhere, and not by way of a Writ Petition.

5. Dismissed.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

13.09.2018
AS

1. Whether speaking/reasoned ? Yes/No

2. Whether reportable ? Yes/No